

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR	:	CASE NO. 18-267-RR-STP
THE INSTALLATION OF ACTIVE	:	
WARNING DEVICES AT THE INDIANA	:	
& OHIO RAILROAD GRADE	:	<u>APPLICATION FOR</u>
CROSSING AT MORROW ROSSBURG	:	<u>REHEARING OF THE</u>
ROAD/COUNTY ROAD 27 IN WARREN	:	<u>COMMISSION'S ENTRY OF</u>
COUNTY.	:	<u>JULY 31, 2019</u>
	:	

Pursuant to RC. 4903.10 and O.A.C. 4901-1-35, Indiana & Ohio Railway Company (“IORY”), by and through counsel, respectfully applies for a rehearing with respect to the Public Utilities Commission of Ohio’s Entry of July 31, 2109 denying IORY’s request for additional time to complete this Project. A memorandum in support is attached.

Respectfully Submitted,

/s/ R. Leland Evans

R. Leland Evans, Esq. (0006833)
Richard J. Silk, Jr. (0074111)
DICKIE, MCCAMEY & CHILCOTE, P.C.
250 Civic Center Drive, Suite 280
Columbus, Ohio 43215
PH: (614) 258-6000; FAX: (888) 811-7144
revans@dmclaw.com
rsilk@dmclaw.com
*Attorneys for Indiana & Ohio
Railway Company*

MEMORANDUM IN SUPPORT

I. BACKGROUND

On January 23, 2018, the Public Utilities Commission of Ohio (“Commission”), the Ohio Rail Development Commission (“ORDC”), Warren County, and IORY entered into an agreement to install active warning devices at the Morrow Rossburg Road grade crossing (DOT#151-316B) in Warren County. *March 15, 2019 Memorandum*, attached hereto as *Exhibit A*. On March 14, 2018, the Commission authorized IORY to install the active warning devices. *March 14, 2018 Entry*, attached hereto as *Exhibit B*. In its March 14, 2018 Entry, the Commission established a construction completion date of March 14, 2019, and further outlined the following requirements:

- (1) Submit Railroad Division site plans and estimates by June 14, 2018;
and
- (2) Notify the Commission that IORY has initiated the process to ensure electric service for the grade crossing by July 14, 2018.

Id.

Following authorization of the project, on June 8, 2018, IORY’s general engineering consultant (“GEC”), Patrick Engineering (“Patrick”), timely submitted site plans and estimates. *Affidavit of Christopher R. Frank* (“Frank Affidavit”), attached hereto as *Exhibit C*, ¶ 5. On June 20, 2018, Patrick’s site plans and estimates were approved, subject to review of a full set of plans by Commission staff. *March 15, 2019 Memorandum*, Exhibit A hereto. Patrick submitted revised site plans and estimates on August 20, 2018. *Frank Affidavit*, ¶ 7.

Thereafter, IORY began transitioning from Patrick to a new GEC, Benesch (full name), which resulted in multiple contract delays. *Id.* at ¶ 8. Benesch was selected in October 2018, but its contract with IORY was not consummated until February 2019. *Id.* at ¶ 9. Benesch then contacted the Commission about the status of approval of Patrick’s previously submitted revised

site plans and estimates. *Id.* at ¶ 10. In response to Benesch's inquiry, on February 22, 2019, the Commission provided its Summary of Concerns related to Patrick's revised site plans and estimates. *Id.* at ¶ 11.

As a result of contract review delays arising out of transitioning from one GEC to a new one for over 100 projects, on March 5, 2019, IORY requested a 180-day extension of the project deadline to September 10, 2019. *Id.* at ¶ 12; *March 5, 2019 Request for Extension*, attached hereto as *Exhibit D*. Although Benesch had received the Commission's Summary of Concerns related to Patrick's revised site plans and estimates, IORY acknowledged in its March 5, 2019 Request for Extension that the contract-related delays, and the fact that the site plans and estimates had yet to be approved, would result in the project not being completed until likely September 2019.

On April 10, 2019, the Commission extended the project deadline 90, rather than 180 days, until June 14, 2019, noting that this project is a safety project. *April 10, 2019 Entry*, attached hereto as *Exhibit E*.

On April 15, 2019, Benesch submitted to the Commission revised site plans and estimates, which addressed the Commission's concerns. *Frank Affidavit*, ¶ 14. On April 16, 2019, the Commission provided IORY and Benesch the authority to proceed with obtaining bids and moving forward with finalizing design before final construction authorization. *Id.* at ¶ 16.

IORY personnel initially misunderstood the Commission's April 10, 2019 Entry to have approved the extension for the project until September 10, 2019, rather than June 14, 2019. *Id.* at ¶ 16. As a result of IORY's misunderstanding as to the deadline, on June 14, 2019, IORY requested a second extension of the project deadline in which construction would be completed by November 22, 2019 and final billing would occur by December 20, 2019, before the Commission's allocated

funding would expire (December 31, 2019). *Id.* at ¶ 17; *June 14, 2019 Request for Extension*, attached hereto as *Exhibit F*.

On June 21, 2019, the Commission had received input from ORDC that it was supportive of the extension and hopeful that there would be no further delay in moving the project forward. *June 21, 2019 Memorandum*, attached hereto as *Exhibit G*, p. 2 of 2. At that point in time, construction authorization from the Commission had not yet been authorized due to IORY's delays.

However, on July 29, 2019, the Commission reviewed IORY's proposed final plans and estimates, and recommended approval. *July 30, 2019 Memorandum*, attached hereto as *Exhibit H*, second exhibit attached thereto. As a result, on July 30, 2019, the Commission authorized IORY to proceed with construction. *Frank Affidavit*, ¶ 18.

On July 31, 2019, the Commission denied IORY's request for a second extension of the project deadline. *July 31, 2019 Entry*, attached hereto as *Exhibit I*. In its July 31, 2019, the Commission noted that, although ORDC supported IORY's request for extending the project deadline a second time, the Commission believed that "little progress has been made" on this safety project, and thus the extension was denied. *Id.*

II. ANALYSIS

IORY acknowledges that the delays in timely completing this project are of IORY's own making. Further, IORY does not dispute any of the factual findings by the Commission to date, except for one—the Commission's finding that little progress has been made on this project.

In between the time IORY submitted its June 14, 2019 Request for Extension to the Commission and the Commission's Legal Department July 31, 2019 Entry, IORY continued to push the project forward. Indeed, IORY will complete the project approximately two months

sooner than it previously represented to the Commission in its June 14, 2019 Request for Extension.

Specifically, in its June 14, 2019 Request, IORY provided the Commission with its best estimate of the remaining project timeline:

Bids are due	06/28/19
Vendor award and contract executed	07/12/19
Full design completed	08/16/19
Plans approved by IORY	08/23/19
PUCO approved plans and notice to proceed	09/06/19
Construction complete	11/22/19
Project signoff	12/06/19
Final billing	12/20/19

June 14, 2019 Request for Extension, Exhibit F hereto.

As of the filing of this Application, the first five items on the above list have been completed. *Frank Affidavit*, ¶ 20. Of the remaining three items, the vendor is scheduled to begin construction on September 23, 2019. *Id.* at ¶ 21. Construction should be completed by early October 2019, nearly two months before the timeline proposed in IORY's June 14, 2019 Request for Extension. *Id.*

In addition, IORY and its contractors have been working on the electrical aspects of the new warnings system to be installed at the grade crossing for some time while IORY has been finalizing the on-site construction schedule. *Id.* at ¶ 22. In any event, final billing for this project should be completed by early November 2019, well ahead of the aforementioned timeline proposed by IORY in its June 14, 2019 Request for Extension. *Id.*

IORY further submits that within the last year, it established a new department specifically dedicating to improving both its project turnaround time and its relationships with the Commission and ORDC. *Id.* at ¶ 23. Because this project is administered differently, by the Commission rather than ORDC, such that the associated deadlines are applied differently, IORY's nascent department did not adequately appreciate these differences. *Id.* at ¶ 24. That is no longer an issue.

As a result of establishing its new department, as of the date of this Application, IORY has 39 active projects in Ohio, and of those 39 Ohio projects, the instant project is the only project that will not be completed by the currently-established project deadline. *Id.* at ¶ 25.

For the foregoing reasons, IORY respectfully applies for a rehearing with respect to IORY's request for an extension of the project deadline.

Respectfully Submitted,

/s/ R. Leland Evans

R. Leland Evans, Esq. (0006833)

Richard J. Silk, Jr. (0074111)

DICKIE, MCCAMEY & CHILCOTE, P.C.

250 Civic Center Drive, Suite 280

Columbus, Ohio 43215

PH: (614) 258-6000; FAX: (888) 811-7144

revans@dmclaw.com

rsilk@dmclaw.com

Attorneys for Indiana & Ohio Railway Company

PROOF OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing *Application for Rehearing of the Commission's Entry of July 31, 2019* was electronically filed and mailed, by ordinary U.S. mail, postage prepaid, on August 29, 2019 upon the following parties:

Nicholas Walstra
Chief, Transportation Legal Section
Ohio Public Utilities Commission
Transportation Rail Division
180 East Broad Street
Columbus, Ohio 43215

Catherine Stout
Safety Manager
Ohio Rail Development Commission
1980 West Broad Street
Columbus, Ohio 43223

Neil F. Tunison, P.E., P.S.
Warren County Engineer
Administration and Engineering
210 West Main Street
Lebanon, Ohio 45036

/s/ R. Leland Evans

R. Leland Evans, Esq. (0006833)
Indiana & Ohio Railway Company

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 3/15/2019

Re: PUCO Case No. 18-267-RR-STP- In the Matter of a Request for the Installation of Active Warning Devices at the Indiana & Ohio Railroad Crossing on Morrow Rossburg Road (DOT#151-316B) in Warren County, Ohio.

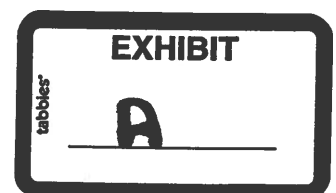
On January 23, 2018, Commission Staff (PUCO), the Ohio Rail Development Commission (ORDC), Warren County, and Indiana & Ohio Railroad (IORY) entered into an agreement whereby active warning devices would be installed at Morrow Rossburg Road (DOT#151-316B).

On March 14, 2018, the Commission issued a Finding and Order approving the project, requiring plans and estimates by June 14, 2018 and ordering project completion by March 14, 2019.

On June 8, 2018, IORY filed with the Rail Division plans and estimates for the projects. Staff gave preliminary approval of the plans and estimates on July 20, 2018. Full authorization will be granted once bidding has been completed and a full set of plans have been reviewed by Staff.

On March 5, 2019 IORY filed for a 180 day extension. In the request, IORY states that the project has been delayed due to a transition period of switching their general engineering consultant. This transition took longer than expected, but has recently been finalized and the new consultant is working on finalizing the bidding and getting the project constructed.

The ORDC supports and extension request, but notes that this is a safety project. Staff is supportive of an extension, but feels that 180 days is excessive. Staff recommends a 90 day extension request at this time.





March 5, 2019

Ohio Public Utilities Division
Transportation/Rail Division
180 E Broad St
Columbus, OH 43215-3793

Subject: Extension Request – CR 27 Morrow-Rossburg Rd, Warren, Warren County, Ohio
Installation Active Warning Devices – Case# 18-267-RR-STP

Reference: Agency ID: Morrow-Rossburg Rd/County Road 27
AAR/DOT#: 151316B Morrow-Rossburg Road

The Indiana & Ohio Railway Company (IORY) construction team has been working on this crossing since June 8th, 2018. The railroad at that time has been working on a transition period of switching General Engineering Consultants (GEC). The planned was to have the new GEC on board with a contract and notice to proceed to have the project completed by the PUC Order deadline. Due to contract review, the project was delayed getting the new GEC working on the planning and engineering.

The IORY formally requests approval of a 180 day extension making the new deadline date of September 10th, 2019.

Please feel free to contact me at (614) 479-1716 if you have any questions regarding this submission.

Sincerely,

Christopher R. Frank
AVP Engineering
Genesee Railroad Services Inc.

cc: Jill Henry (PUCO)
Catherine Stout (ORDC)
Dale Summers (GRSI)
Jacob Smith (GRSI)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/15/2019 12:57:27 PM

in

Case No(s). 18-0267-RR-STP

Summary: Response In the Matter of an Extension Request for the Installation of Active Warning Devices at the Indiana & Ohio Railroad Crossing on Morrow Rossburg Road (DOT#151-316B) in Warren County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE INDIANA & OHIO RAILROAD
GRADE CROSSING AT MORROW ROSSBURG
ROAD/COUNTY ROAD 27 IN WARREN
COUNTY.

CASE NO. 18-267-RR-STP

FINDING AND ORDER

Entered in the Journal on March 14, 2018

I. SUMMARY

{¶ 1} The Commission approves the request to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County, by March 14, 2019, subject to the Commission's ongoing jurisdiction and oversight.

II. DISCUSSION

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.



{¶ 6} On February 12, 2018, Staff filed a memorandum indicating that Staff, the Ohio Rail Development Commission, IORY, and Warren County, which is the local highway authority, entered into an agreement, whereby IORY will install gates and lights at the Morrow Rossburg Road/County Road 27 (DOT#151316B) grade crossing in Warren County. Staff explains that on November 14, 2016, an on-site field review indicated that lights and gates were warranted because of visual obstructions for drivers approaching the tracks.

{¶ 7} The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the agreement. Under the agreement:

- (a) Within 12 months from the date of the Commission Finding and Order adopting the agreement, IORY will install lights and gates at the Morrow Rossburg Road/County Road 27 grade crossing (DOT#151316B);
- (b) The parties agree to comply with the terms of the agreement and the Finding and Order adopting the agreement;
- (c) The Commission will provide funds from the State Grade Crossing Protection Fund to cover the Commission's cost of the project.
- (d) The local highway authority shall furnish advance warning signs and pavement markings as specified in the Manual on Uniform Traffic Control Devices and assume all costs to maintain such signage and markings in the future.
- (e) The costs of the project shall be apportioned between IORY, which is responsible for maintenance and for ten percent of expenses, the Commission, which will provide 65 percent of the funding, and ORDC, which will provide 25 percent of the funding. Warren County is not responsible for any of the costs.

{¶ 8} While actual project design and cost estimates are not yet complete, predesign estimated costs for the project are to be apportioned as follows:

Party to Agreement	Share of Estimated Costs
IORY	\$25,000, which is ten percent of total costs, plus the cost of maintenance
Commission	\$162,500 which is 65 percent of total costs
ORDC	\$62,500, which is 25 percent of total costs
Warren County	Warren County is not responsible for any of the project costs

{¶ 9} Staff requests a Commission order that adopts the agreement, directs IORY to submit plans and estimates to the Commission within 90 days, and requires completion of the project within one year.

{¶ 10} Upon review of the agreement, the Commission finds that the terms and conditions therein insure the timely protection of the public at the crossing and provide a reasonable basis for apportioning costs thereof. Therefore, the agreement should be approved and, accordingly, the cost of the project should be allocated as set forth therein.

{¶ 11} By June 14, 2018, IORY should submit to Staff the site plans and cost estimates for the project. Within seven days thereafter, IORY should file a letter in this docket advising that the site plans and cost estimates have been submitted to the Commission. Following submission and approval of the site plans and cost estimates, unless otherwise directed, IORY is hereby authorized to acquire project materials and to commence work as detailed in the letter of construction authorization. IORY should notify Staff at least five working days before

the date work is scheduled to begin at the project site so that arrangements can be made for inspections. In addition, IORY should notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and secure approval before the work is performed. IORY should complete the project by March 14, 2019. The Commission will issue no further construction authorization in this matter.

{¶ 12} Within 120 days of the issuance of this Finding and Order, IORY shall file a notice in the docket that it has initiated discussions with the Duke Energy Ohio (Duke) or any other applicable utility with regard to the grade crossing project, to ensure that electric service will be available to enable the grade crossing improvements to be constructed and placed in service within the deadline specified by the Commission. Such filing shall identify the steps that IORY has taken with Duke and any other applicable electric utility, the government entity, and the local highway authority to have electric service available during the construction and cut-in phases of the project. IORY shall serve a copy of the docketed notice upon Duke and any other applicable utility. To ensure that the deadline is met, IORY and Duke shall timely inform the Commission in writing of any issues regarding the availability of electric service.

{¶ 13} In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending the final inspection by Staff. However, IORY should notify Staff 30 days before the projected date of completion. At the time Staff makes its final inspection of the devices and finds that the installation has been completed and the warning devices have been put in service, Staff should file a memorandum in this docket indicating that the installation has been completed and the warning devices have been put in service.

{¶ 14} With the intention of promoting increased public safety during the pendency of this project, the Commission urges the appropriate local government agency to make an immediate assessment of interim physical improvements which would enhance driver awareness at the project crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the

project location. Applications for such funding should be made to the Commission's Transportation Department, Railroad Division, which shall review all proposals. In the event the department finds the improvements appropriate, the department director is hereby authorized to execute a contract with the local government agency and obligate up to \$5,000 from the State Grade Crossing Safety Fund for such improvements at the crossing. However, the local government agency should not initiate any improvements until a contract has been executed.

III. ORDER

{¶ 15} ORDERED, That, by June 14, 2018, IORY submit to the Commission's Railroad Division site plans and cost estimates for the project, and by June 21, 2018, file a letter in this docket advising that site plans and cost estimates have been submitted to the Commission. It is, further,

{¶ 16} ORDERED, That, following approval of the site plans and cost estimates, IORY proceed with and complete the project by March 14, 2019. It is, further,

{¶ 17} ORDERED, That by July 14, 2018, IORY file notice that it has initiated with Duke and any applicable utility, the process to ensure that electric service will be available at the involved grade crossing as set forth in Paragraph 12. It is, further,

{¶ 18} ORDERED, That IORY notify Staff and ORDC at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for any inspection. It is, further,

{¶ 19} ORDERED, That IORY timely notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and shall secure approval before the work is performed. It is, further,

{¶ 20} ORDERED, That IORY notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

{¶ 21} ORDERED, That, at the time Staff or ORDC makes its final inspection and finds that the installation at the grade crossing is complete and the warning devices have been put in service, Staff will file a memorandum in this docket indicating that the installation is complete and the warning devices have been put in service. It is, further,

{¶ 22} ORDERED, That a copy of this Finding and Order be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



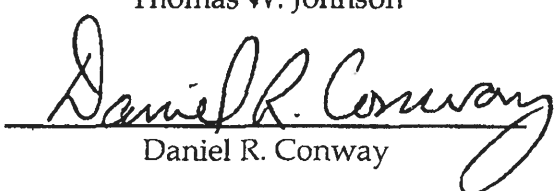
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman




Daniel R. Conway

JML/sc

Entered in the Journal

MAR 14 2018



Barcy F. McNeal

Secretary

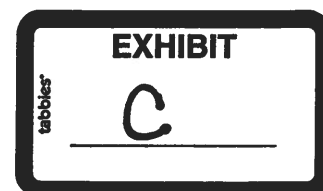
BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR : CASE NO. 18-267-RR-STP
THE INSTALLATION OF ACTIVE :
WARNING DEVICES AT THE INDIANA :
& OHIO RAILROAD GRADE :
CROSSING AT MORROW ROSSBURG :
ROAD/COUNTY ROAD 27 IN WARREN :
COUNTY. :

AFFIDAVIT OF JACOB A. SMITH

Now comes Jacob A. Smith, being first duly sworn according to law, and hereby states as follows:

1. I am 18 years of age or older and am competent to render the foregoing testimony under oath.
2. I am Director of the Public Projects Department (the "Department") for Genesee & Wyoming Railroad Services, Inc., which is a service-providing affiliate of Indiana & Ohio Railway Company ("IORY"), and am intimately familiar with the project authorized by the Public Utilities Commission of Ohio (the "Commission") for installation of active warning devices at the Morrow Rossburg Road grade crossing (DOT No. 151-316B) in Warren County, Ohio.
3. In January 2018, the Commission, the Ohio Rail Development Commission ("ORDC"), Warren County, and IORY entered into an agreement to install active warning devices at the Morrow Rossburg Road grade crossing.
4. On March 14, 2018, the Commission formally authorized IORY to install the active warning devices, with a project completion date of March 14, 2019. A true and accurate copy of the March 14, 2018 Entry is attached hereto as *Exhibit A*.
5. Following authorization of the project, on June 8, 2018, IORY's general engineering consultant, Patrick Engineering Inc. ("Patrick"), timely submitted preliminary site plans and estimates for the project.
6. On July 20, 2018, Patrick's site plans and estimates were approved by the Commission, subject to review of a full set of plans by Commission staff. A true and accurate copy of the Commission's approval is attached hereto as *Exhibit B*.



7. Patrick submitted revised site plans and estimates to the Commission on August 20, 2018.
8. Thereafter, IORY began its transition from Patrick to a new general engineering consultant ("GEC"), Alfred Benesch & Company ("Benesch"), which resulted in multiple contract delays.
9. Benesch was selected as IORY's new GEC in October 2018, but its contract with IORY was not entered into until February 28, 2019.
10. After entering into its contract, I contacted the Commission on February 12, 2019 about the status of approval of Patrick's previously-submitted, revised site plans and estimates for this project.
11. In response to my inquiry, on February 12, 2019, the Commission provided its Summary of Concerns related to Patrick's revised site plans and estimates.
12. As a result of contract review delays arising out of transitioning from Patrick to Benesch for over 100 projects, on March 5, 2019, IORY requested a 180-day extension of the project deadline to September 10, 2019. A true and accurate copy of the March 5, 2019 Request for Extension is attached hereto as *Exhibit C*.
13. On April 10, 2019, the Commission extended the project deadline 90 days, rather than 180 days, until June 14, 2019, noting that this project is a safety project. A true and accurate copy of the April 10, 2019 Entry is attached hereto as *Exhibit D*.
14. On April 15, 2019, Benesch submitted to the Commission revised site plans and estimates, which addressed the Commission's concerns.
15. On April 16, 2019, the Commission provided IORY and Benesch the authority to proceed with obtaining bids and moving forward with finalizing design before final construction authorization. A true and accurate copy of the Commission's letter in this regard is attached hereto as *Exhibit E*.
16. IORY personnel initially misunderstood the Commission's April 10, 2019 Entry to have approved the extension for the project until September 10, 2019, rather than June 14, 2019.
17. As a result of IORY's misunderstanding as to the deadline, and the inability to timely complete the project, on June 14, 2019, IORY requested a second extension of the project deadline, which included IORY's projected timeline to complete the project such that construction would be completed by November 22, 2019 and final billing would occur by December 20, 2019, before the Commission's allocated funding would expire (December 31, 2019). A true and accurate copy of the June 14, 2019 Request for Extension is attached hereto as *Exhibit F*.
18. On July 30, 2019, the Commission authorized IORY to proceed with construction. A true and accurate copy of the June 30, 2019 authorization is attached hereto as *Exhibit G*.

19. On July 31, 2019, the Commission denied IORY's request for a second extension of the project deadline. A true and accurate copy of the July 31, 2019 Entry is attached hereto as *Exhibit H*.

20. As of this date, the first five items in the projected timeline referenced in Paragraph 17 above have been completed.

21. Of the remaining three items in the aforementioned timeline, the vendor is tentatively scheduled to begin construction on September 23, 2019, and construction should be completed by early October 2019.

22. Over the last few months, IORY and its contractors have also been working on getting power set up with Duke Energy, as well as ordering material, wiring the house and signals and other project-specific preparations for the new warning system to be installed at the grade crossing for some time while IORY has been finalizing the on-site construction schedule.

23. In August 2018, IORY established the Department was established for the purpose of improving both project turnaround time and relationships with state and local governmental agencies with which IORY and its affiliated railroads interact, including the Commission and ORDC.

24. Because this project is administered differently, by the Commission rather than ORDC, which applies deadlines differently, the members of the nascent Department did not adequately appreciate the Commission's application of its deadlines.

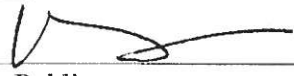
25. Currently, IORY has 39 active projects in Ohio, and of those 39 Ohio projects, the instant project is the only project that will not be completed by the currently-established project deadline.

FURTHER AFFIANT SAYETH NAUGHT.

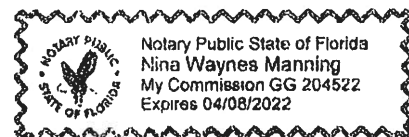


Jacob A. Smith

Sworn to and signed in my presence this 28th day of August, 2019.



Notary Public



9172156.1

9196223.1

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE INDIANA & OHIO RAILROAD
GRADE CROSSING AT MORROW ROSSBURG
ROAD/COUNTY ROAD 27 IN WARREN
COUNTY.

CASE NO. 18-267-RR-STP

FINDING AND ORDER

Entered in the Journal on March 14, 2018

I. SUMMARY

{¶ 1} The Commission approves the request to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County, by March 14, 2019, subject to the Commission's ongoing jurisdiction and oversight.

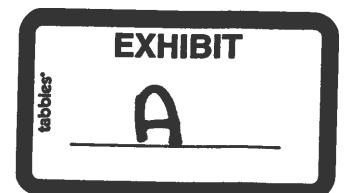
II. DISCUSSION

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.



{¶ 6} On February 12, 2018, Staff filed a memorandum indicating that Staff, the Ohio Rail Development Commission, IORY, and Warren County, which is the local highway authority, entered into an agreement, whereby IORY will install gates and lights at the Morrow Rossburg Road/County Road 27 (DOT#151316B) grade crossing in Warren County. Staff explains that on November 14, 2016, an on-site field review indicated that lights and gates were warranted because of visual obstructions for drivers approaching the tracks.

{¶ 7} The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the agreement. Under the agreement:

- (a) Within 12 months from the date of the Commission Finding and Order adopting the agreement, IORY will install lights and gates at the Morrow Rossburg Road/County Road 27 grade crossing (DOT#151316B);
- (b) The parties agree to comply with the terms of the agreement and the Finding and Order adopting the agreement;
- (c) The Commission will provide funds from the State Grade Crossing Protection Fund to cover the Commission's cost of the project.
- (d) The local highway authority shall furnish advance warning signs and pavement markings as specified in the Manual on Uniform Traffic Control Devices and assume all costs to maintain such signage and markings in the future.
- (e) The costs of the project shall be apportioned between IORY, which is responsible for maintenance and for ten percent of expenses, the Commission, which will provide 65 percent of the funding, and ORDC, which will provide 25 percent of the funding. Warren County is not responsible for any of the costs.

{¶ 8} While actual project design and cost estimates are not yet complete, predesign estimated costs for the project are to be apportioned as follows:

Party to Agreement	Share of Estimated Costs
IORY	\$25,000, which is ten percent of total costs, plus the cost of maintenance
Commission	\$162,500 which is 65 percent of total costs
ORDC	\$62,500, which is 25 percent of total costs
Warren County	Warren County is not responsible for any of the project costs

{¶ 9} Staff requests a Commission order that adopts the agreement, directs IORY to submit plans and estimates to the Commission within 90 days, and requires completion of the project within one year.

{¶ 10} Upon review of the agreement, the Commission finds that the terms and conditions therein insure the timely protection of the public at the crossing and provide a reasonable basis for apportioning costs thereof. Therefore, the agreement should be approved and, accordingly, the cost of the project should be allocated as set forth therein.

{¶ 11} By June 14, 2018, IORY should submit to Staff the site plans and cost estimates for the project. Within seven days thereafter, IORY should file a letter in this docket advising that the site plans and cost estimates have been submitted to the Commission. Following submission and approval of the site plans and cost estimates, unless otherwise directed, IORY is hereby authorized to acquire project materials and to commence work as detailed in the letter of construction authorization. IORY should notify Staff at least five working days before

the date work is scheduled to begin at the project site so that arrangements can be made for inspections. In addition, IORY should notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and secure approval before the work is performed. IORY should complete the project by March 14, 2019. The Commission will issue no further construction authorization in this matter.

{¶ 12} Within 120 days of the issuance of this Finding and Order, IORY shall file a notice in the docket that it has initiated discussions with the Duke Energy Ohio (Duke) or any other applicable utility with regard to the grade crossing project, to ensure that electric service will be available to enable the grade crossing improvements to be constructed and placed in service within the deadline specified by the Commission. Such filing shall identify the steps that IORY has taken with Duke and any other applicable electric utility, the government entity, and the local highway authority to have electric service available during the construction and cut-in phases of the project. IORY shall serve a copy of the docketed notice upon Duke and any other applicable utility. To ensure that the deadline is met, IORY and Duke shall timely inform the Commission in writing of any issues regarding the availability of electric service.

{¶ 13} In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending the final inspection by Staff. However, IORY should notify Staff 30 days before the projected date of completion. At the time Staff makes its final inspection of the devices and finds that the installation has been completed and the warning devices have been put in service, Staff should file a memorandum in this docket indicating that the installation has been completed and the warning devices have been put in service.

{¶ 14} With the intention of promoting increased public safety during the pendency of this project, the Commission urges the appropriate local government agency to make an immediate assessment of interim physical improvements which would enhance driver awareness at the project crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the

project location. Applications for such funding should be made to the Commission's Transportation Department, Railroad Division, which shall review all proposals. In the event the department finds the improvements appropriate, the department director is hereby authorized to execute a contract with the local government agency and obligate up to \$5,000 from the State Grade Crossing Safety Fund for such improvements at the crossing. However, the local government agency should not initiate any improvements until a contract has been executed.

III. ORDER

{¶ 15} ORDERED, That, by June 14, 2018, IORY submit to the Commission's Railroad Division site plans and cost estimates for the project, and by June 21, 2018, file a letter in this docket advising that site plans and cost estimates have been submitted to the Commission. It is, further,

{¶ 16} ORDERED, That, following approval of the site plans and cost estimates, IORY proceed with and complete the project by March 14, 2019. It is, further,

{¶ 17} ORDERED, That by July 14, 2018, IORY file notice that it has initiated with Duke and any applicable utility, the process to ensure that electric service will be available at the involved grade crossing as set forth in Paragraph 12. It is, further,

{¶ 18} ORDERED, That IORY notify Staff and ORDC at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for any inspection. It is, further,


{¶ 19} ORDERED, That IORY timely notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and shall secure approval before the work is performed. It is, further,

{¶ 20} ORDERED, That IORY notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

{¶ 21} ORDERED, That, at the time Staff or ORDC makes its final inspection and finds that the installation at the grade crossing is complete and the warning devices have been put in service, Staff will file a memorandum in this docket indicating that the installation is complete and the warning devices have been put in service. It is, further,

{¶ 22} ORDERED, That a copy of this Finding and Order be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman

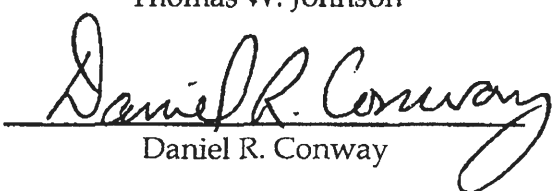
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/sc

Entered in the Journal

MAR 14 2018



Barcy F. McNeal

Barcy F. McNeal
Secretary

To: 'Sabo, Troy' <tsabo@patrickco.com>

Cc: Christopher Frank <cfrank@gwrr.com>; Scott Sandoval <scott.sandoval@gwrr.com>; Derek Winchester <derek.winchester@gwrr.com>; Stout, Catherine <Catherine.Stout@dot.ohio.gov>; Arduini, Susan <Susan.Arduini@dot.ohio.gov>; neil.tunison@co.warren.oh.us; _p_GW_MW_East <_p_GW_MW_East@patrickco.com>; _p_GW_SIGNAL <_p_GW_SIGNAL@patrickco.com>; Damron, Donald <Don.Damron@dot.ohio.gov>; Zurfley, Shawn <shawn.zurfley@puco.ohio.gov>

Subject: Morrow Rossburg Road/DOT#002-039K/Warren County- Preliminary Authorization to Proceed with design and bidding

Importance: High

Mr. Sabo,

Attached is preliminary authorization for IORY to proceed with design and bidding for the Morrow-Rossburg Road light and gate project in Warren County.

Before Final Construction Authorization will be granted we will need the following information/items:

- 1) IORY must provide a complete set of plans (including circuitry plans) and final estimates before construction authorization will be granted.
- 2) The approach distance calculations and warning time calculations on the Preliminary site plan and the Basis of Design pages do not match. Please verify which document will be used in design.
- 3) The equipment bungalow to be placed in Q4 needs to be placed further back from the tracks to meet the 25' Ohio Manual of Uniform Traffic Control Devices (OMUTCD) placement recommendation.

I am sorry for the delay in responding to the submission. I was out for 10 weeks following ankle surgery and am running a bit behind.

Please let me know if you have any questions or need any additional information.

Thanks,

Jill Henry
Public Utilities Commission of Ohio
Transportation/Rail Division
Rail Specialist
614-466-0435
PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Sabo, Troy [mailto:tsabo@patrickco.com]

Sent: Friday, June 08, 2018 2:53 PM

To: Henry, Jill <jill.henry@puco.ohio.gov>

Cc: Christopher Frank <cfrank@gwrr.com>; Scott Sandoval <scott.sandoval@gwrr.com>; Derek Winchester <derek.winchester@gwrr.com>; Stout, Catherine <Catherine.Stout@dot.ohio.gov>; Arduini, Susan





March 5, 2019

Ohio Public Utilities Division
Transportation/Rail Division
180 E Broad St
Columbus, OH 43215-3793

Subject: Extension Request – CR 27 Morrow-Rossburg Rd, Warren, Warren County, Ohio
Installation Active Warning Devices – Case# 18-267-RR-STP

Reference: Agency ID: Morrow-Rossburg Rd/County Road 27
AAR/DOT#: 151316B Morrow-Rossburg Road

The Indiana & Ohio Railway Company (IORY) construction team has been working on this crossing since June 8th, 2018. The railroad at that time has been working on a transition period of switching General Engineering Consultants (GEC). The planned was to have the new GEC on board with a contract and notice to proceed to have the project completed by the PUC Order deadline. Due to contract review, the project was delayed getting the new GEC working on the planning and engineering.

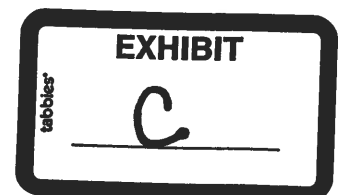
The IORY formally requests approval of a 180 day extension making the new deadline date of September 10th, 2019.

Please feel free to contact me at (614) 479-1716 if you have any questions regarding this submission.

Sincerely,

Christopher R. Frank
AVP Engineering
Genesee Railroad Services Inc.

cc: Jill Henry (PUCO)
Catherine Stout (ORDC)
Dale Summers (GRSI)
Jacob Smith (GRSI)



THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE INDIANA & OHIO
RAILROAD GRADE CROSSING AT
MORROW ROSSBURG ROAD/COUNTY
ROAD 27 IN WARREN COUNTY.

CASE NO. 18-267-RR-STP

ENTRY

Entered in the Journal on April 10, 2019

I. SUMMARY

{¶ 1} The Commission grants additional time, until June 14, 2019, for Indiana & Ohio Railroad to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County, subject to the Commission's ongoing jurisdiction and oversight.

II. DISCUSSION

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.

{¶ 6} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.



{¶ 7} On March 14, 2018, the Commission issued a Finding and Order approving IORY's installation of active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing (DOT#151316B) in Warren County. The Commission ordered project completion by March 14, 2019.

{¶ 8} On March 7, 2019, IORY filed a request for additional time to complete the project. IORY explains that the project has been delayed because of a transition period while IORY changed to a different general engineering consultant. IORY adds that the transition is now finished, and the new consultant is working on finalizing the bidding and getting construction under way.

{¶ 9} On March 15, 2019, Staff filed a memorandum, stating that while the Ohio Rail Development Commission (ORDC) supports the request, ORDC notes that this is a safety project. Staff also supports the extension but feels that 180 days is excessive. Staff recommends a 90 day extension of time, until June 14, 2019.

{¶ 10} Upon review of IORY's request and Staff's recommendation, the Commission finds that IORY's request for additional time is warranted and should be granted, until June 14, 2019. IORY should expedite work on the project and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. Further, Staff should monitor work at the project to ensure completion within the newly ordered timeframe.

{¶ 11} IORY should notify Staff, ORDC, Warren County Engineer, and Duke Energy Ohio, Inc. (Duke) upon completion of the project. At the time Staff makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the project is completed.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That IORY's request for additional time to complete the project be granted in accordance with Paragraph 10. It is, further,

{¶ 14} ORDERED, That IORY complete the project no later than June 14, 2019. It is, further,

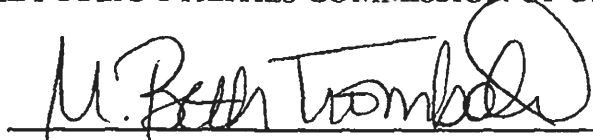
{¶ 15} ORDERED, That IORY follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossing. It is, further,

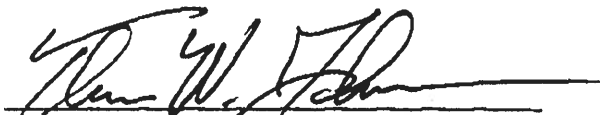
{¶ 16} ORDERED, That IORY notify Staff, ORDC, Warren County Engineer, and Duke upon the completion of the project. It is, further,


{¶ 17} ORDERED, That when Staff or ORDC make its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

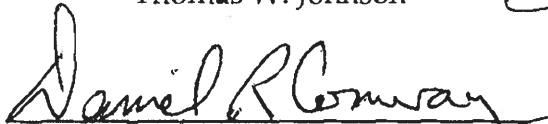
{¶ 18} ORDERED, That a copy of this Entry be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


M. Beth Trombold, Chair


Thomas W. Johnson


Lawrence K. Friedeman

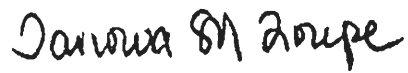

Daniel R. Conway


Dennis P. Deters

JML/hac

Entered in the Journal

APR 10 2019



Tanowa M. Troupe
Secretary



**Public Utilities
Commission**

Mike DeWine, Governor
M. Beth Trombold, Interim Chair

Commissioners

Thomas W. Johnson
Lawrence K. Friedeman
Dennis Deters
Daniel R. Conway

April 16, 2019

Mr. Christopher Frank
Mid West Region Railroads
Indiana & Ohio Railway
4349 Easton Way, Suite 110
Columbus, Ohio 43219

Re: Indiana & Ohio Railway Grade Crossing
Morrow Rossburg Road/CR 27
(DOT#151-316B)

Mr. Frank:

Indiana & Ohio Railway (IORY) is granted **preliminary authorization** to proceed with bidding and design for the above referenced project. This authorization is contingent upon the following:

- 1) IORY must provide a complete set of plans (including circuitry plans) and final estimates before final construction authorization will be granted.

If you have any questions, feel free to contact me at 614-466-0435.

Sincerely,

Jill Henry
Rail Specialist
PUCO Railroad Division

cc: File





June 14, 2019

Ohio Public Utilities Division
Transportation/Rail Division
180 E Broad St
Columbus, OH 43215-3793

Subject: Extension Request – CR 27 Morrow-Rossburg Rd, Warren, Warren County, Ohio
Installation Active Warning Devices – Case# 18-267-RR-STP

Reference: Agency ID: Morrow-Rossburg Rd/County Road 27
AAR/DOT#: 151316B Morrow-Rossburg Road

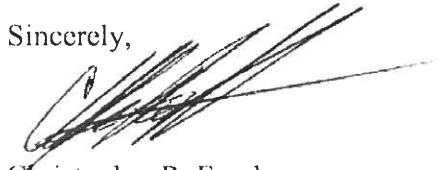
The Indiana & Ohio Railway Company (IORY) has been working on this crossing since June 8th, 2018. General Engineering Consultants (GEC) onboarding has taken much longer than expected. The plan was to have the new GEC on board with a contract and notice to proceed to have the project completed by the PUC Order deadline. The work has been delayed with the misunderstanding that the request for extension to 9/10/19 was approved.

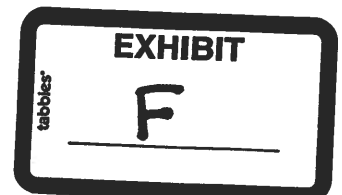
IORY would like to formally request an extension based on the timeline of events as follows:

- Bids are due	06/28/19
- Vendor Award and Contract Executed	07/12/19
- Full Design Completed	08/16/19
- Plans Approved IORY	08/23/19
- PUCO Approved Plans and NTP for Construction	09/06/19
- Construction Complete	11/22/19
- Project Signoff, IORY and PUCO	12/06/19
- Final Billing	12/20/19

We understand the delays are due to internal transitions and apologize for the delays.
Please feel free to contact me at (614) 479-1716 if you have any questions regarding this submission.

Sincerely,


Christopher R. Frank
AVP Engineering
Genesee Railroad Services Inc.





Public Utilities Commission

Mike DeWine, Governor
Sam Randazzo, Chairman

Commissioners

M. Beth Trombold
Lawrence K. Friedman
Dennis P. Deters
Daniel R. Conway

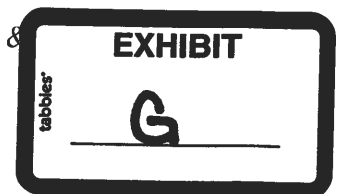
July 30, 2019

Mr. Christopher Frank
Mid West Region Railroads
Indiana & Ohio Railway
4349 Easton Way, Suite 110
Columbus, Ohio 43219

Re: Indiana & Ohio Railway Grade Crossing
Morrow Rossburg Road/CR 27
(DOT#151-316B)

Indiana & Ohio Railway (IORY) is authorized to proceed with construction for the above referenced project. This authorization is contingent upon the following:

- 1) IORY will make any adjustments to the plans noted in the field report docketed July 30, 2019 (Attached).
- 2) IORY will furnish e-mail, fax, or phone notification five (5) working days prior to the date work will start at the project site. Notification to be made to Jill Henry, PUCO, at E-MAIL jill.henry@puco.ohio.gov, or PHONE 614-466-0435 and to Michael Lynch, ORDC at E-MAIL Michael.Lynch@dot.ohio.gov or PHONE 614-395-1824.
- 3) IORY will arrange for utilities to be relocated and/or dropped (as soon as possible) at the project site through the applicable utility company.
- 4) IORY 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 OUPS service must be contacted directly by IORY.
- 5) IORY's project foreman will notify the PUCO Railroad Inspector & ORDC's project manager of any changes in the scope of work, cost overruns, material changes, etc. which are not included in the approved plan and estimates and secure approval of same before the work is performed.
- 6) IORY will furnish three (3) copies of each partial bill to the PUCO & ORDC.



- 7) IORY will furnish three (3) copies of the final-inclusive bill to PUCO & ORDC stating that exact dates of starting and completing work, the initial and final dates of construction and location where the accounts may be audited.
- 8) IORY will furnish as-built detailed circuit plans directly to the PUCO & ORDC.
- 9) IORY is to schedule and complete the subject project by June 14, 2019. If any extraordinary circumstances unique to this project occur, please notify the Commission's rail staff immediately.

Thank you for you cooperation in this matter.

Sincerely,



Jill Henry
Rail Specialist
PUCO Railroad Division

Enclosure

cc: File

**PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAIL DIVISION**

Date of Assignment: July 29, 2019

Subject: Plans and estimates review for active warning devices at Morrow-Rossburg Road (151-316B), Indiana & Ohio Railway, Warren County.

DOT #: 151-316B

FINDINGS

On July 29, 2019, the plans and estimates for the above mentioned crossing were received from Indiana & Ohio Railway (IORY). They were reviewed by Jill Henry, PUCO Rail Specialist, Shawn Zurfley, FRA/PUCO Field Investigator, and Michael Lynch, Ohio Rail Development Commission, Project Manager.

Morrow-Rossburg Road is a rural roadway traveling North/South and intersecting a single track of IORY traveling East/West. Existing warning devices include advanced warning signs, pavement markings, stop signs and crossbucks.

SUMMARY AND CONCLUSIONS

We reviewed the plans and estimates for the crossing. The plans and estimates appear to be fundamentally correct. Construction authorization is granted for this project with the following conditions:

- 1) The bungalow in Q4 should be placed no closer to the edge of tracks than the 21.5' indicated on the plans. Staff would prefer placement closer to the 25' Ohio Manual of Uniform Traffic Control Devices (OMUTCD) placement recommendation.

Jill Henry
PUCO Rail Specialist
Date: July 30, 2019

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE INDIANA & OHIO
RAILROAD GRADE CROSSING AT
MORROW ROSSBURG ROAD/COUNTY
ROAD 27 IN WARREN COUNTY.

CASE No. 18-267-RR-STP

ENTRY

Entered in the Journal on July 31, 2019

I. SUMMARY

{¶ 1} The Commission denies Indiana & Ohio Railroad's request for additional time to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County.

II. DISCUSSION

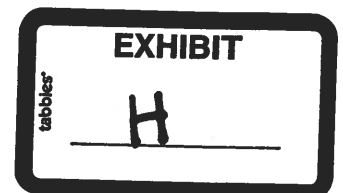
{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On March 14, 2018, the Commission issued a Finding and Order approving IORY's installation of active warning devices at the Morrow Rossburg Road/County Road



27 grade crossing (DOT#151316B) in Warren County. The Commission ordered project completion by March 14, 2019.

{¶ 7} On March 7, 2019, IORY filed a request for an additional 180 days to complete the project. IORY explained that the project has been delayed because of a transition period while IORY changed to a different general engineering consultant. IORY added that the transition was finished, and the new consultant is working on finalizing the bidding and getting construction under way.

{¶ 8} On March 15, 2019, Staff filed a memorandum, stating that while the Ohio Rail Development Commission (ORDC) supported the request, ORDC noted that this is a safety project. Staff concluded that a 180-day extension is excessive and recommended a 90-day extension, until June 14, 2019.

{¶ 9} In an April 10, 2019 Entry, the Commission granted until June 14, 2019 for IORY to complete the project.

{¶ 10} IORY filed another request for additional time on June 14, 2019. IORY stated that it has been working on the project since June 8, 2018, but had mistakenly believed that the Commission approved IORY's request to extend the project deadline by 180 days, to September 10, 2019. Consequently, adds IORY, finalizing arrangements with an engineering consultant are taking longer than expected. IORY requests until November 22, 2019, to complete the project.

{¶ 11} On June 21, 2019, Staff filed a memorandum noting that IORY was served with a copy of the May 10, 2019 Entry indicating that additional time was only extended to June 14, 2019. Staff states that IORY has made little progress toward completing the design for the project, and that while ORDC supports a project extension, ORDC notes that this is a safety project. Staff recommends approval of the extension request.

{¶ 12} Upon review of IORY's request and Staff's recommendation, the Commission finds that IORY's request for additional time should be denied. As discussed by Staff, IORY

was served with the May 10, 2019 Entry establishing a deadline of June 14, 2019. Regardless of whether the deadline was June 14, 2019, or, as originally requested by IORY, September 10, 2019, it appears little progress has been made. Accordingly, as this is a safety project and one extension was already granted, the Commission does not find that good cause exists to grant an additional extension.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That IORY's request for additional time to complete the project be denied. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

Lawrence K. Friedeman

Daniel R. Conway

JML./hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/31/2019 3:01:29 PM

in

Case No(s). 18-0267-RR-STP

Summary: Entry that the Commission denies Indiana & Ohio Railroad's request for additional time to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County electronically filed by Docketing Staff on behalf of Docketing



March 5, 2019

Ohio Public Utilities Division
Transportation/Rail Division
180 E Broad St
Columbus, OH 43215-3793

Subject: Extension Request – CR 27 Morrow-Rossburg Rd, Warren, Warren County, Ohio
Installation Active Warning Devices – Case# 18-267-RR-STP

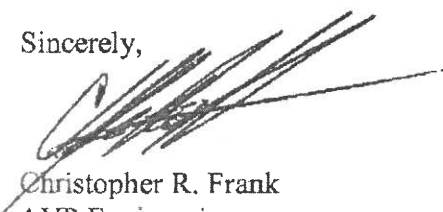
Reference: Agency ID: Morrow-Rossburg Rd/County Road 27
AAR/DOT#: 151316B Morrow-Rossburg Road

The Indiana & Ohio Railway Company (IORY) construction team has been working on this crossing since June 8th, 2018. The railroad at that time has been working on a transition period of switching General Engineering Consultants (GEC). The planned was to have the new GEC on board with a contract and notice to proceed to have the project completed by the PUC Order deadline. Due to contract review, the project was delayed getting the new GEC working on the planning and engineering.

The IORY formally requests approval of a 180 day extension making the new deadline date of September 10th, 2019.

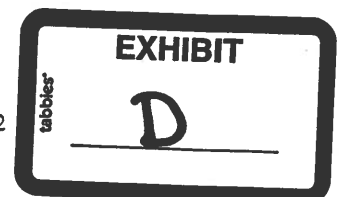
Please feel free to contact me at (614) 479-1716 if you have any questions regarding this submission.

Sincerely,



Christopher R. Frank
AVP Engineering
Genesee Railroad Services Inc.

cc: Jill Henry (PUCO)
Catherine Stout (ORDC)
Dale Summers (GRSI)
Jacob Smith (GRSI)



THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE INDIANA & OHIO
RAILROAD GRADE CROSSING AT
MORROW ROSSBURG ROAD/COUNTY
ROAD 27 IN WARREN COUNTY.

CASE NO. 18-267-RR-STP

ENTRY

Entered in the Journal on April 10, 2019

I. SUMMARY

{¶ 1} The Commission grants additional time, until June 14, 2019, for Indiana & Ohio Railroad to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County, subject to the Commission's ongoing jurisdiction and oversight.

II. DISCUSSION

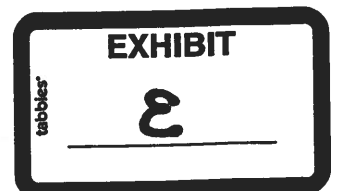
{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.

{¶ 6} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.



{¶ 7} On March 14, 2018, the Commission issued a Finding and Order approving IORY's installation of active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing (DOT#151316B) in Warren County. The Commission ordered project completion by March 14, 2019.

{¶ 8} On March 7, 2019, IORY filed a request for additional time to complete the project. IORY explains that the project has been delayed because of a transition period while IORY changed to a different general engineering consultant. IORY adds that the transition is now finished, and the new consultant is working on finalizing the bidding and getting construction under way.

{¶ 9} On March 15, 2019, Staff filed a memorandum, stating that while the Ohio Rail Development Commission (ORDC) supports the request, ORDC notes that this is a safety project. Staff also supports the extension but feels that 180 days is excessive. Staff recommends a 90 day extension of time, until June 14, 2019.

{¶ 10} Upon review of IORY's request and Staff's recommendation, the Commission finds that IORY's request for additional time is warranted and should be granted, until June 14, 2019. IORY should expedite work on the project and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. Further, Staff should monitor work at the project to ensure completion within the newly ordered timeframe.

{¶ 11} IORY should notify Staff, ORDC, Warren County Engineer, and Duke Energy Ohio, Inc. (Duke) upon completion of the project. At the time Staff makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the project is completed.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That IORY's request for additional time to complete the project be granted in accordance with Paragraph 10. It is, further,

{¶ 14} ORDERED, That IORY complete the project no later than June 14, 2019. It is, further,

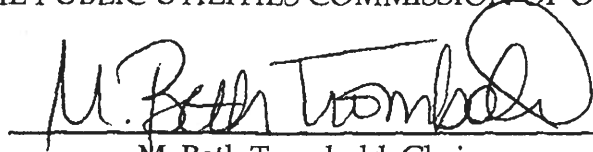
{¶ 15} ORDERED, That IORY follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossing. It is, further,

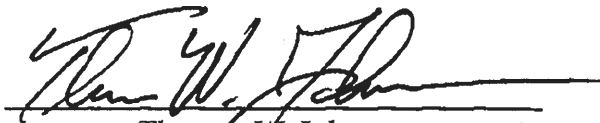
{¶ 16} ORDERED, That IORY notify Staff, ORDC, Warren County Engineer, and Duke upon the completion of the project. It is, further,

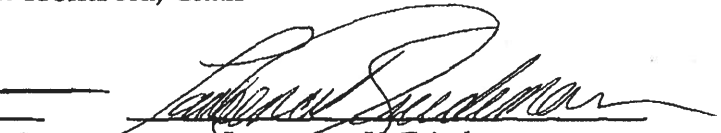
{¶ 17} ORDERED, That when Staff or ORDC make its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

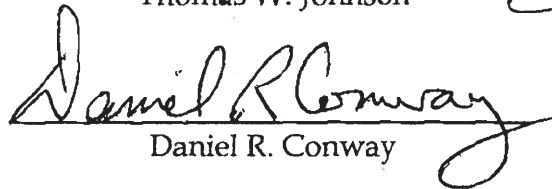
{¶ 18} ORDERED, That a copy of this Entry be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.

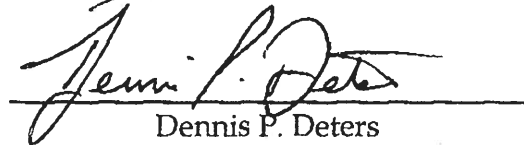
THE PUBLIC UTILITIES COMMISSION OF OHIO


M. Beth Trombold, Chair


Thomas W. Johnson


Lawrence K. Friedeman

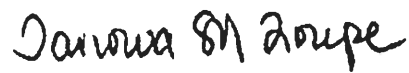

Daniel R. Conway


Dennis P. Deters

JML./hac

Entered in the Journal

APR 10 2019



Tanowa M. Troupe
Secretary



June 14, 2019

Ohio Public Utilities Division
Transportation/Rail Division
180 E Broad St
Columbus, OH 43215-3793

Subject: Extension Request – CR 27 Morrow-Rossburg Rd, Warren, Warren County, Ohio
Installation Active Warning Devices – Case# 18-267-RR-STP

Reference: Agency ID: Morrow-Rossburg Rd/County Road 27
AAR/DOT#: 151316B Morrow-Rossburg Road

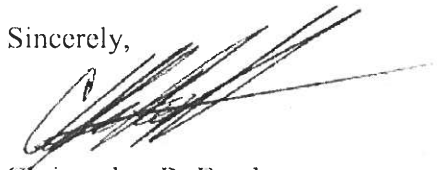
The Indiana & Ohio Railway Company (IORY) has been working on this crossing since June 8th, 2018. General Engineering Consultants (GEC) onboarding has taken much longer than expected. The plan was to have the new GEC on board with a contract and notice to proceed to have the project completed by the PUC Order deadline. The work has been delayed with the misunderstanding that the request for extension to 9/10/19 was approved.

IORY would like to formally request an extension based on the timeline of events as follows:

- | | |
|--|-----------------|
| - Bids are due | 06/28/19 |
| - Vendor Award and Contract Executed | 07/12/19 |
| - Full Design Completed | 08/16/19 |
| - Plans Approved IORY | 08/23/19 |
| - PUCO Approved Plans and NTP for Construction | 09/06/19 |
| - Construction Complete | 11/22/19 |
| - Project Signoff, IORY and PUCO | 12/06/19 |
| - Final Billing | 12/20/19 |

We understand the delays are due to internal transitions and apologize for the delays. Please feel free to contact me at (614) 479-1716 if you have any questions regarding this submission.

Sincerely,


Christopher R. Frank
AVP Engineering
Genesee Railroad Services Inc.



Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 6/21/2019

Re: PUCO Case No. 18-267-RR-STP- In the Matter of a Request for the Installation of Active Warning Devices at the Indiana & Ohio Railroad Crossing on Morrow Rossburg Road (DOT#151-316B) in Warren County, Ohio.

On January 23, 2018, Commission Staff (PUCO), the Ohio Rail Development Commission (ORDC), Warren County, and Indiana & Ohio Railroad (IORY) entered into an agreement whereby active warning devices would be installed at Morrow Rossburg Road (DOT#151-316B).

On March 14, 2018, the Commission issued a Finding and Order approving the project, requiring plans and estimates by June 14, 2018 and ordering project completion by March 14, 2019.

On June 8, 2018, IORY filed with the Rail Division plans and estimates for the projects. Staff gave preliminary approval of the plans and estimates on July 20, 2018. Full authorization will be granted once bidding has been completed and a full set of plans have been reviewed by Staff.

On March 5, 2019 IORY filed for a 180 day extension. In the request, IORY states that the project has been delayed due to a transition period of switching their general engineering consultant. This transition took longer than expected, but has recently been finalized and the new consultant is working on finalizing the bidding and getting the project constructed. The Commission granted a 90 day extension on April 10, 2019.

On June 14, 2019, IORY again requested another project extension (see attached request). In the request IORY states that they need additional time to complete the project. They misunderstood that the extension was only until June 14, 2019 and onboarding the new consultant has taken much longer than expected. IORY is requesting an extension, until November 22, 2019, to complete construction.



Staff would like to note that IORY was serviced a copy of the Commission order granting the extension until June 14, 2019 by Rail Staff (see attached copy of the e-mail), so they should have been aware of the new completion deadline. Since the last extension request, they have not made progress towards completing the design, so construction authorization has not been granted. ORDC indicates that they are supportive of the project extension, but notes that this is a safety project. Staff recommends the extension request and hopes that there will be no further delay in moving this project forward.



June 14, 2019

Ohio Public Utilities Division
Transportation/Rail Division
180 E Broad St
Columbus, OH 43215-3793

Subject: Extension Request – CR 27 Morrow-Rossburg Rd, Warren, Warren County, Ohio
Installation Active Warning Devices – Case# 18-267-RR-STP

Reference: Agency ID: Morrow-Rossburg Rd/County Road 27
AAR/DOT#: 151316B Morrow-Rossburg Road

The Indiana & Ohio Railway Company (IORY) has been working on this crossing since June 8th, 2018. General Engineering Consultants (GEC) onboarding has taken much longer than expected. The plan was to have the new GEC on board with a contract and notice to proceed to have the project completed by the PUC Order deadline. The work has been delayed with the misunderstanding that the request for extension to 9/10/19 was approved.

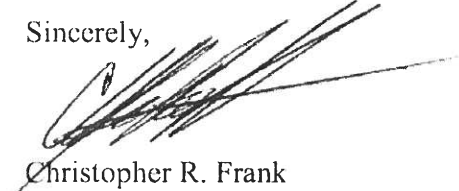
IORY would like to formally request an extension based on the timeline of events as follows:

- | | |
|--|-----------------|
| - Bids are due | 06/28/19 |
| - Vendor Award and Contract Executed | 07/12/19 |
| - Full Design Completed | 08/16/19 |
| - Plans Approved IORY | 08/23/19 |
| - PUCO Approved Plans and NTP for Construction | 09/06/19 |
| - Construction Complete | 11/22/19 |
| - Project Signoff, IORY and PUCO | 12/06/19 |
| - Final Billing | 12/20/19 |

We understand the delays are due to internal transitions and apologize for the delays.

Please feel free to contact me at (614) 479-1716 if you have any questions regarding this submission.

Sincerely,



Christopher R. Frank
AVP Engineering
Genesee Railroad Services Inc.

From: [Henry, Jill](#)
To: [Christopher Frank](#)
Cc: [Jacob A. Smith \(Jacob.Smith@gwrr.com\)](#); [Bryan Hays](#); [dale.summers@gwrr.com](#); [Lynch, Michael](#); [Stout, Catherine](#); [Hamilton, Heather](#)
Subject: Morrow Rossburg Road Extension Request- Commission Grants 90 day
Date: Wednesday, April 10, 2019 3:42:00 PM
Attachments: [Commission Approval Morrow Rossburg Rd Extension 4 19.pdf](#)
[image001.png](#)
[image002.png](#)

Chris,

Attached is the Commission approval of a 90 day extension for the Morrow Rossburg Road Project in Warren County.

The new project completion deadline is June 14, 2019.

Please let me know if you need any additional information.

Jill Henry
Public Utilities Commission of Ohio
Transportation/Rail Division
Rail Specialist
614-466-0435
PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/21/2019 12:39:02 PM

in

Case No(s). 18-0267-RR-STP

Summary: Memorandum In the Matter of a Request for the Installation of Active Warning Devices at the Indiana & Ohio Railroad Crossing on Morrow Rossburg Road (DOT#151-316B) in Warren County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division

Memo

To: Docketing Division

From: Jill Henry, Rail Specialist, Rail Division

Cc: PUCO Legal Department

Date: 7/30/19

Re: PUCO Case No. 18-267-RR-STP- In the Matter of a Request for the Installation of Active Warning Devices at the Indiana & Ohio Railroad Crossing on Morrow Rossburg Road (DOT#151-316B) in Warren County, Ohio.

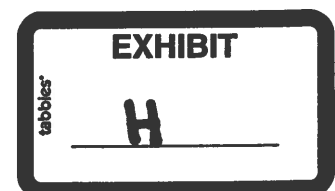
On January 23, 2018, Commission Staff (PUCO), the Ohio Rail Development Commission(ORDC), Warren County, and Indiana & Ohio Railroad (IORY) entered into an agreement whereby active warning devices would be installed at Morrow Rossburg Road (DOT#151-316B).

On March 14, 2018, the Commission issued a Finding and Order approving the project, requiring plans and estimates by June 14, 2018, and ordering project completion by March 14, 2019.

On June 8, 2018, IORY filed with the Rail Division plans and estimates for the projects. Staff gave preliminary approval of the plans and estimates on July 20, 2018. Full authorization to be granted once bidding has been completed and a full set of plans have been reviewed by Staff.

On July 29, 2019, IORY filed with the Rail Division a final and complete set of plans and estimates for the project.

The plans and estimates submitted by IORY have been reviewed and authorization is recommended. (See attached documentation.)





**Public Utilities
Commission**

Mike DeWine, Governor
Sam Randazzo, Chairman

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

July 30, 2019

Mr. Christopher Frank
Mid West Region Railroads
Indiana & Ohio Railway
4349 Easton Way, Suite 110
Columbus, Ohio 43219

Re: Indiana & Ohio Railway Grade Crossing
Morrow Rossburg Road/CR 27
(DOT#151-316B)

Indiana & Ohio Railway (IORY) is authorized to proceed with construction for the above referenced project. This authorization is contingent upon the following:

- 1) IORY will make any adjustments to the plans noted in the field report docketed July 30, 2019 (Attached).
- 2) IORY will furnish e-mail, fax, or phone notification five (5) working days prior to the date work will start at the project site. Notification to be made to Jill Henry, PUCO, at E-MAIL jill.henry@puco.ohio.gov, or PHONE 614-466-0435 and to Michael Lynch, ORDC at E-MAIL Michael.Lynch@dot.ohio.gov or PHONE 614-395-1824.
- 3) IORY will arrange for utilities to be relocated and/or dropped (as soon as possible) at the project site through the applicable utility company.
- 4) IORY 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 OUPS service must be contacted directly by IORY.
- 5) IORY's project foreman will notify the PUCO Railroad Inspector & ORDC's project manager of any changes in the scope of work, cost overruns, material changes, etc. which are not included in the approved plan and estimates and secure approval of same before the work is performed.
- 6) IORY will furnish three (3) copies of each partial bill to the PUCO & ORDC.

- 7) IORY will furnish three (3) copies of the final-inclusive bill to PUCO & ORDC stating that exact dates of starting and completing work, the initial and final dates of construction and location where the accounts may be audited.
- 8) IORY will furnish as-built detailed circuit plans directly to the PUCO & ORDC.
- 9) IORY is to schedule and complete the subject project by June 14, 2019. If any extraordinary circumstances unique to this project occur, please notify the Commission's rail staff immediately.

Thank you for you cooperation in this matter.

Sincerely,



Jill Henry
Rail Specialist
PUCO Railroad Division

Enclosure

cc: File

**PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAIL DIVISION**

Date of Assignment: July 29, 2019

Subject: Plans and estimates review for active warning devices at Morrow-Rossburg Road (151-316B), Indiana & Ohio Railway, Warren County.

DOT #: 151-316B

FINDINGS

On July 29, 2019, the plans and estimates for the above mentioned crossing were received from Indiana & Ohio Railway (IORY). They were reviewed by Jill Henry, PUCO Rail Specialist, Shawn Zurflay, FRA/PUCO Field Investigator, and Michael Lynch, Ohio Rail Development Commission, Project Manager.

Morrow-Rossburg Road is a rural roadway traveling North/South and intersecting a single track of IORY traveling East/West. Existing warning devices include advanced warning signs, pavement markings, stop signs and crossbucks.

SUMMARY AND CONCLUSIONS

We reviewed the plans and estimates for the crossing. The plans and estimates appear to be fundamentally correct. Construction authorization is granted for this project with the following conditions:

- 1) The bungalow in Q4 should be placed no closer to the edge of tracks than the 21.5' indicated on the plans. Staff would prefer placement closer to the 25' Ohio Manual of Uniform Traffic Control Devices (OMUTCD) placement recommendation.

Jill Henry
PUCO Rail Specialist
Date: July 30, 2019

Force Account Estimate

Estimate to Complete

Railroad:	Indiana & Ohio Railway (IORY)	Region:	MIDWEST
Agency:	ORDC PUCO	State:	OH
DOT #:	151316B	COUNTY:	Warren
ROADWAY:	Washington St	CITY:	Pleasant Plain
DESCRIPTION:	Installation of Flashing Lights and Roadway Gates, new signal bungalow, MS 4000		
AGENCY PROJECT NUMBER:		18-267-RR-STP	ESTIMATE SUBJECT TO REVISION AFTER: 01/07/20

PRELIMINARY ENGINEERING:

Contracted & Administrative Engineering Services	\$ 8,000
Subtotal	\$ 8,000

CONSTRUCTION & CLOSEOUT:

Contracted & Administrative Engineering Services	\$ 16,500
Subtotal	\$ 16,500

FLAGGING SERVICE:

Contracted or Railroad Flagmen Services	5 Days	\$ 7,000
Subtotal		\$ 7,000

UTILITY WORK:

Power Service	\$ -
Other	\$ -
Subtotal	\$ -

CONTRACT WORK:

Outside Services	\$ -
Design & Labor & Material	\$ 106,446
Subtotal	\$ 106,446

RAILROAD TRACK:

Labor & Material	\$ -
Subtotal	\$ -

RAILROAD SIGNAL & COMMUNICATION:

Labor & Material	\$ -
Subtotal	\$ -

PROJECT SUBTOTAL:

	\$ 142,946
Public Project Admin: 3.00%	\$ 4,288
Contingencies: 0.00%	\$ -

PROJECT TOTAL:

	\$ 147,234
--	-------------------

CURRENT AUTHORIZED BUDGET:

	\$ -
--	-------------

TOTAL SUPPLEMENT REQUESTED:

	\$ 147,234
--	-------------------

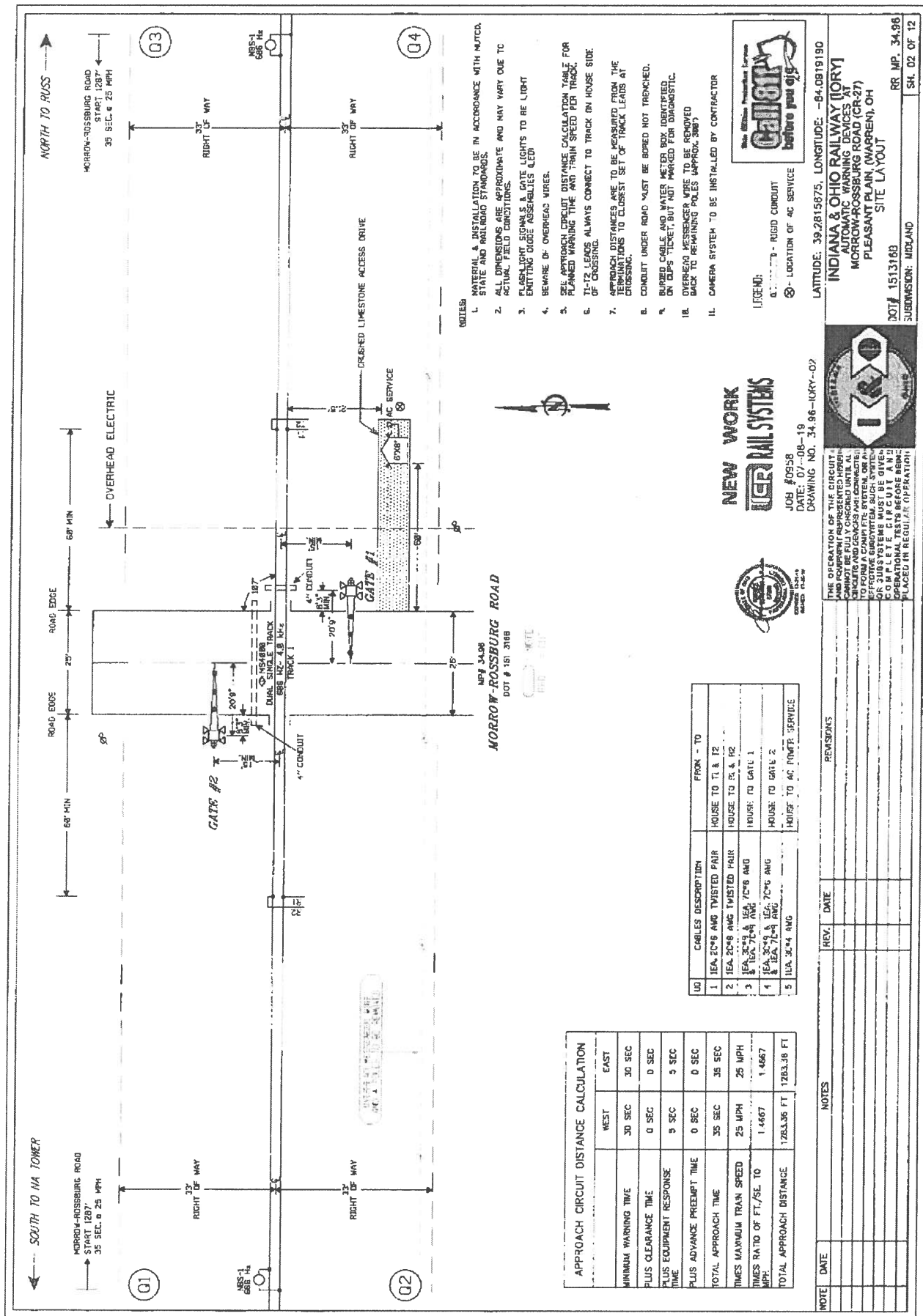
DIVISION OF COST:

Agency	100.00%	\$ 147,234
Railroad	0.00%	\$ -

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces & Contractors.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for the railroad work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work.

Estimated prepared by: DS	Approved by: JAS	Public Project Department
DATE: 07/11/19	REVISD: 07/11/19	DATE: 07/12/19



- NOTES
1. MATERIAL & INSTALLATION TO BE IN ACCORDANCE WITH NJDOT, STATE AND RAILROAD STANDARDS.
 2. ALL DIMENSIONS ARE APPROXIMATE AND MAY VARY DUE TO ACTUAL FIELD CONDITIONS.
 3. FLASHLIGHT SIGNALS & GATE LIGHTS TO BE LIGHT EMITTING DIODE ASSEMBLIES (LED)
 4. BEWARE OF OVERHEAD WIRES.
 5. SEE APPROACH CIRCUIT DISTANCE CALCULATION TABLE FOR PLANNED WARNING TIME AND TRAIL SPEED FOR TRUCK.
 6. TI-12 LEADS ALWAYS CONNECT TO TRACK ON HOUSE SIDE OF CROSSING.
 7. APPROACH DISTANCES ARE TO BE MEASURED FROM THE POINT OF BEGINNING TO CLOSEST SET OF TRACK LEADS AT CROSSING.
 8. CONDUIT UNDER ROAD MUST BE BORED NOT TRENCHED.
 9. BURIED CABLE AND WATER METER BOX IDENTIFIED ON GIPS TICKET, BUT NOT MARKED FOR DIAGNOSTIC.
 10. OVERHEAD MESSENGER WIRE TO BE REMOVED BACK TO REMAINING POLES APPROX. 300'
 11. CAMERA SYSTEM TO BE INSTALLED BY CONTRACTOR



LEGEND:
4" - RIGID CONDUIT
⊗ - LOCATION OF AC SERVICE

INDIANA & OHIO RAILWAY (IORY)
AUTOMATIC WARNING DEVICES AT
MORROW-ROSSBURG ROAD (CR-27)
PLEASANT PLAIN, (WARREN), OH
SITE LAYOUT
DOT # 1513188
RR MP. 34.96
SUBDIVISION: MIDLAND
S4, 02 OF 12

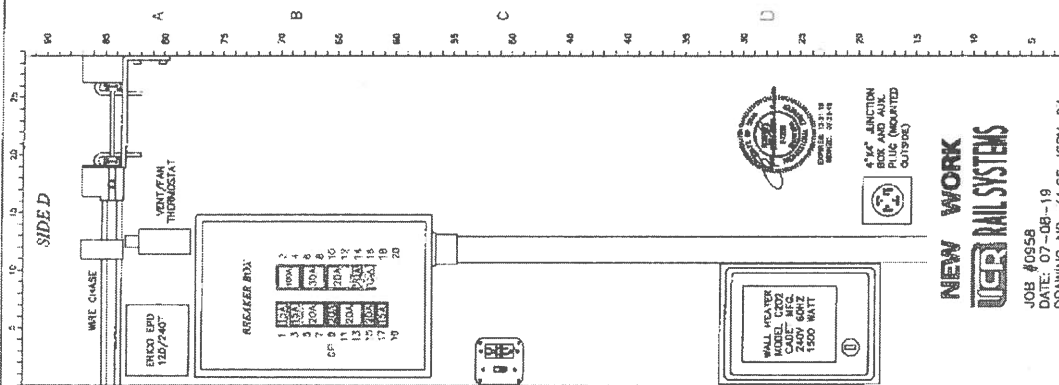
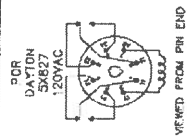
NEW WORK
IORY RAIL SYSTEMS

JOB #0958
DATE: 07-08-19
DRAWING NO. 34.96-IORY-02

THE OPERATION OF THE CIRCUIT AND EQUIPMENT REPRESENTED HEREIN CANNOT BE FULLY UNDERSTOOD UNTIL ALL INFORMATION HAS BEEN OBTAINED FROM THE EFFECTIVE SCHEMATIC, SUCH SYSTEMS MUST BE GIVEN THE SAME. THE TIME MUST BE GIVEN FOR THE SYSTEM TO BE PLACED IN REGULAR OPERATION.

NO	CABLES DESCRIPTION	FROM - TO
1	1EA 20'x8 ANG TWISTED PAIR	HOUSE TO TI & T2
2	1EA 20'x8 ANG TWISTED PAIR	HOUSE TO TI & T2
3	1EA 30'x4 ANG 1EA 70'x8 ANG	HOUSE TO GATE 1
4	1EA 30'x4 ANG 1EA 70'x8 ANG	HOUSE TO GATE 2
5	1EA 30'x4 ANG	HOUSE TO AC POWER SERVICE

APPROACH CIRCUIT DISTANCE CALCULATION			
MINIMUM WARNING TIME	WEST	EAST	
PLUS CLEARANCE TIME	30 SEC	30 SEC	
PLUS EQUIPMENT RESPONSE TIME	0 SEC	0 SEC	
PLUS ADVANCE PREEMPT TIME	0 SEC	0 SEC	
TOTAL APPROACH TIME	30 SEC	30 SEC	
TIMES MAXIMUM TRAIN SPEED	25 MPH	25 MPH	
TIMES RATIO OF FT./SEC. TO MPH	1.467	1.467	
TOTAL APPROACH DISTANCE	1283.36 FT	1283.36 FT	



- BBS/ELECT BOOK**
- 100A PPD 120/740T
- | | |
|-----------------------|-----------------------|
| 1. LIGHTS | 2. 240VAC SERVICE |
| 3. TUFFY /AN | 3. 240VAC SERVICE |
| 5. HEATER | 6. GENERATOR PLUG |
| 7. HEATER | 8. GENERATOR PLUG |
| 8. B. & D W/LL RECEPT | 10. ABC WALL RECEPT |
| 11. SURGE PROTECTOR | 12. ABC WALL RECEPT |
| 13. SURGE PROTECTOR | 14. WB17 CHARGER |
| 15. WB CHARGER | 16. POR & P.O. LIGHTS |
| 17. GAIT HEATERS | 20. |
| 18. | 18. |

LIGHT SWITCH AND
20A DUPLEX
RECEPTACLE

WATER.

1. USE THE FOLLOWING CODE CODE:
- | | | |
|-------------|--------------------|--------|
| GRY - GREEN | - SAFETY EQUIPMENT | GROUND |
| BLK - BLACK | - SIGNAL (TRIAL) | |
| BLK - BLACK | - BX220 (L2) | |
| RED - RED | - BX220 (L1) | |
- EXCEPTIONS TO THE ABOVE COLOR CODES ARE
LOCATED ON THE BREAKER BOX WHICH HAVE
TWO BLACK AND ONE WHITE WIRE EACH.
- THE WB12 CHARGER AND XB CHARGES AC POWER
WIRES WHICH USE A TWO CONDUCTOR SDC CABLE
THAT HAS ONE BLACK WIRE AND ONE WHITE WIRE.
2. MINIMUM WIRE SIZE
- | | |
|--------|---------------------------------|
| 12 AMP | - TWO AND THIN ON THIN SOLID |
| 20 AMP | - NO. 12 AND THIN ON THIN SOLID |
| 30 AMP | - NO. 10 AND THIN ON THIN SOLID |
3. GROUND FAULT INTERRUPT (GFI)
MUST BE USED ON ALL CIRCUITS SERVING
CONVENIENCE OUTLETS AND ANY EQUIPMENT
REQUIRING GFI. GFI MAY BE USED INSTEAD OF BREAKER TYPE.
4. ALL GROUND WIRES ON THIS SHEET RUN TO
BREAKER BOX BEHIND BUS



JOB #0958
DATE: 07-08-19
DRAWING NO. 34.95-ICRY--03

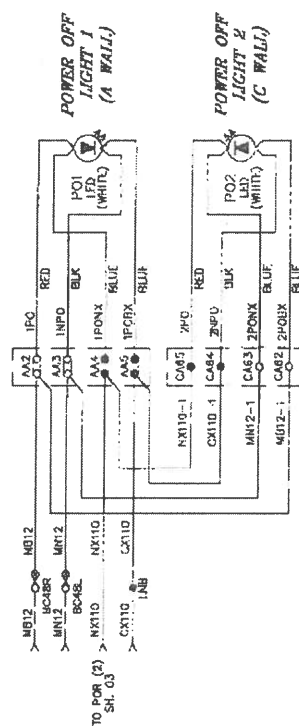
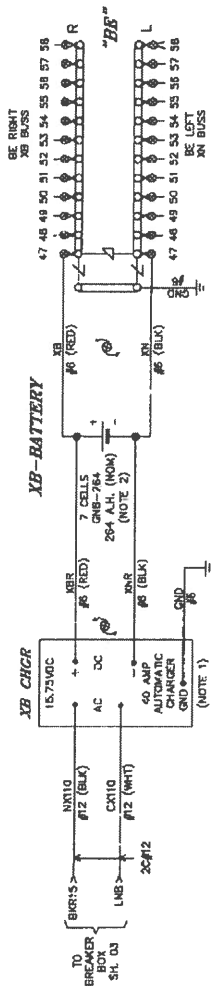
ATTITUDE: 39.2815875. LONGITUDE: -84.0918190

INDIANA & OHIO RAILWAY [ORY]
AUTOMATIC WARNING DEVICES AT
MORROW-ROSSEBURG ROAD (CR-27)
PI FASANT BY AIN WARREN, OH






151316B	RR MP. 34.86
SUBDIVISION: MIDLAND	SH. Q3 OF 12

THE OPERATION OF THE CIRCUITRY AND EQUIPMENT REPRESENTED HEREIN SHALL BE FULLY CHECKED UNTIL A COMPLETE SYSTEM IS FORMED. SUCH SYSTEMS MUST BE GIVEN OPERATIONAL TESTS BEFORE BEING PLACED IN REGULAR OPERATION.

[illegible]



LEGEND:

	TEST TERMINAL
	EQUALIZER
	ARRESTER TO GROUND
	TWISTED WIRE 2 TURNS PER FOOT
	INSULATED NUT

NOTES:

2. USE 1/4" TERMINALS AT BATTERY CONNECTIONS.

DATE		NOTES
------	--	-------

REF	DATE	DESCRIPTION
-----	------	-------------

THE OPERATION OF THE CIRCUIT. THE CIRCUITRY AND EQUIPMENT REPRESENTED HEREIN CANNOT BE FULLY CHECKED UNTIL ALL CIRCUITS AND DEVICES ARE CONNECTED TO FORM A COMPLETE SYSTEM, OR AT LEAST A SUBSYSTEM. IN THE EVENT OF A DEFECTIVE SUBSYSTEM, SUCH SYSTEMS OR SUBSYSTEMS MUST BE GIVEN A COMPLETE CIRCUIT AND OPERATIONAL TESTS BEFORE BEING PLACED IN REGULAR OPERATION.



NEW WORK

JOB #0958
DATE: 07-08-19
DRAWING NO. 34.96-10RY-04

LATITUDE: 39.2815875. LONGITUDE: -84.0919190

INDIANA & OHIO RAILWAY PORY

**SEEKING TO PREVENT (OR AT
LEAST, MITIGATE) THE
AUTOMATIC WARNING DEVICES AT
TOMORROW'S POSSIBLE ROAD/SEA TR**

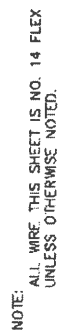
PLEASANT PLAIN, WARREN, OH

BATTERY AND P. O. CIRCUITS

DOT# 1513168 RR MP. 34.96

EDMISON: MIDLAND

SH. 04 OF 12

[illegible]

THE OPERATION OF THE CIRCUIT. THE CIRCUITRY AND EQUIPMENT REPRESENTED HEREIN CANNOT BE FULLY CHECKED UNTIL ALL CIRCUITS AND DEVICES ARE CONNECTED TO FORM A COMPLETE SYSTEM, OR AN EFFECTIVE SUBSYSTEM, SUCH AS THE SUBSYSTEMS MUST BE GIVEN A COMPLETE CIRCUIT AND OPERATIONAL TESTS BEFORE BEING PLACED IN BEING A OPERATIONAL



ATTITUDE: 39.2815875, LONGITUDE: -84.0919190

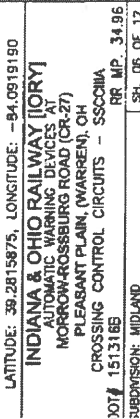
INDIANA & OHIO RAILWAY [IORY]
AUTOMATIC WARNING DEVICES AT
MORROW-ROSSBURG ROAD (CR-27)

PLEASANT PLAIN, (WARREN), OH

MS4000 CIRCUITS AND PROGRAMMING

DOT# 1513168 RR MP. 34.96

SUBMISSION: MIDLAND



[illegible][illegible][illegible]

SITE SETUP DATA CONTINUED

TEST COMPONENT		UNIT		TEST RESULT	
LAMP TEST CANCEL, THERM	1-18 min.	Default = 5	inhibits	inhibits	inhibits
LAMP TEST DELAY, THERM	10-120 sec.	Default = 30	inhibits	inhibits	inhibits
LAMP TEST ON, THERM	10-60 sec.	Default = 10	inhibits	inhibits	inhibits

STANDARD SETUP LAMP VOLTAGES PROCEDURE
USING TRUE RMS AC + DC METER, OR CONVERSION TABLE BELOW

SECTOR UNIT MULTIPLIER	Selling Charged By		Selling Charged By		Selling Charged By	
	Date	Value	Date	Value	Date	Value
FAR DATE	1 11 =	value 1.1 =	value 1.1 =	value 1.1 =	value 1.1 =	value 1.1 =
	1 12 =	value 1.2 =	value 1.2 =	value 1.2 =	value 1.2 =	value 1.2 =
	2 11 =	value 2.1 =	value 2.1 =	value 2.1 =	value 2.1 =	value 2.1 =
	2 12 =	value 2.2 =	value 2.2 =	value 2.2 =	value 2.2 =	value 2.2 =
	3 11 =	value 3.1 =	value 3.1 =	value 3.1 =	value 3.1 =	value 3.1 =
RISC D PMS	1 11 =	value 1.1 =	value 1.1 =	value 1.1 =	value 1.1 =	value 1.1 =
	1 12 =	value 1.2 =	value 1.2 =	value 1.2 =	value 1.2 =	value 1.2 =
	2 11 =	value 2.1 =	value 2.1 =	value 2.1 =	value 2.1 =	value 2.1 =
	2 12 =	value 2.2 =	value 2.2 =	value 2.2 =	value 2.2 =	value 2.2 =
	3 11 =	value 3.1 =	value 3.1 =	value 3.1 =	value 3.1 =	value 3.1 =
NMR DATE	1 11 =	value 1.1 =	value 1.1 =	value 1.1 =	value 1.1 =	value 1.1 =
	1 12 =	value 1.2 =	value 1.2 =	value 1.2 =	value 1.2 =	value 1.2 =
	2 11 =	value 2.1 =	value 2.1 =	value 2.1 =	value 2.1 =	value 2.1 =
	2 12 =	value 2.2 =	value 2.2 =	value 2.2 =	value 2.2 =	value 2.2 =
	3 11 =	value 3.1 =	value 3.1 =	value 3.1 =	value 3.1 =	value 3.1 =

Multimeter Reading Variance From Actual Lamp Voltage

Binary base wavelength	Yield Loss/Degraded Range (in units) (%)	Degraded fiber (times # of degradation)	Average fiber (Fibercore 260 or better)
13.2	0.5 to 12.0	1.3 units below initial value	0.5 units below initial value
14.7	0.5 to 19.0	1.4 units below initial value	1.1 units below initial value
15.8	0.5 to 13.0	2.6 units below initial value	1.0 units below initial value

Can keep current address greater than 12.8 cells. Maximum the listed value by 255. Lamp voltage measurements should be accurate to 0.1 volt.



JOB #0858
DATE: 07-08-19
DRAWING NO. 34.96-10RY-C7

Document No.: SSC000001193_Artifact.pdf

3. **Implications:**

LATITUDE: 39.2815875, LONGITUDE: -84.0919190

INDIANA & OHIO RAILWAY [ORY]

**AUTOMATIC WARNING DEVICES AT
MORROW-ROSSBURG ROAD (CR-27)**

PLEASANT PLAIN, (WARREN), OH
SCOTT A. LUTER, CLERK

SSCC11A HISTORY CARD

DOT# 1513168

BB1515188
DIVISION: MIDLAND

REVISIONS: 1/1/1980

REVOLUTIONARY MODERNISM

THE OPERATION OF THE CIRCUIT. THE EQUIPMENT REPRESENTED HEREIN CANNOT BE FULLY CHECKED UNTIL ALL CIRCUITS AND DEVICES ARE CONNECTED TO FORM A COMPLETE SYSTEM, OR AN EFFECTIVE SUBSYSTEM, SUCH AS SYSTEMS OR SUBSYSTEMS MUST BE GIVEN A COMPLETE CIRCUIT AND OPERATIONAL TESTS BEFORE BEING PLACED IN REGULAR OPERATION.

[illegible]

JOE #0958
DATE: 07-08-19
DRAWING NO. 34.96-10RY-08

1. DATE MECHANISM SHOWN IN CLEAR POSITION
2. ALL WIRING THIS SHEET IS TO BE EXCEPT UNLESS OTHERWISE NOTED.
3. X → INTERNAL GATE WIRES THAT SHARE ELECTRICAL CONNECTION WITH OTHER WIRES THAT ARE ASSIGNED THE SAME NUMBER
4. ADD JUMPER FROM 15 TO 2C FOR 100K CIRCUIT.
5. ADD JUMPER FROM 1A TO 6C FOR BELL CIRCUIT.
6. • = INSULATED NUT.



CONTACT	CLOSED	FUNCTION
2	0° - 10°	GATE DOWN
3	45° - 90°	POWER DOWN
4	0° - 85°	POWER UP
5	82° - 90°	GATE CLEAR
8	10° - 90°	SELL
7	0° - 10°	SHUT

W.C.H. MODEL 3593-E

ATTITUDE: 39.2815875, LONGITUDE: -84.0919190

INDIANA & OHIO RAILWAY (NORT)

**AUTOMATIC WARNING DEVICES AT
MORROW-ROSSBURG ROAD (CR-27)**

PLEASANT PLAIN, (WARREN), OH

GALE CONTROL AND LIGHTING CIRCUITS GATE 1
DOT# 151316B RR MP. 34.96

CONSIDERATIONS

08 OF 12

THE OPERATION OF THE CIRCUIT, AND REQUIREMENT REPRESENTED HEREIN, CANNOT BE FULLY CHECKED UNTIL ALL CIRCUITS AND DEVICES ARE CONNECTED TO FORM A COMPLETE SYSTEM, OR AN EFFECTIVE SUBSYSTEM, SUCH SYSTEMS OR SUBSYSTEMS MUST BE GIVEN A COMPLETE CIRCUIT AND OPERATIONAL TESTS BEFORE BEING PLACED IN REGULAR OPERATION.

[illegible]

JOB #D958
DATE: 07-08-18
DRAWING NO. 34.95-JORY-09

JOB #D958
DATE: 07-08-18
DRAWING NO. 34.95-JORY-09



W.C.H. MODEL 3593-F

ATTITUDE: 39.2815875. LONGITUDE: -84.0919190

INDIANA & OHIO RAILWAY

**AUTOMATIC WARNING DEVICES AT
MORROWLPOSSING ROAD (CB-27)**

PLEASANT PLAIN, (WARREN), OH

GATE CONTROL AND LIGHTING CIRCUITS GATE 2
NOT 151316R
DD FORM 7408

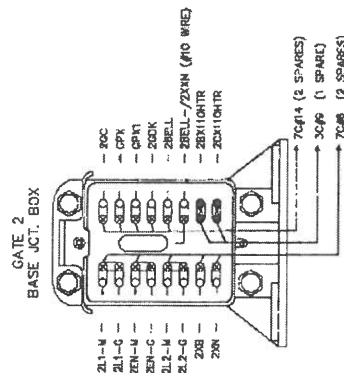
EX MP. 34.30
SH. 08 OF 12

1500

NOTES

1. GATE MECHANISM SHOWN IN CLEAR POSITION.
 2. ALL WIRING THIS S-CUT IS #10 FLEX UNLESS OTHERWISE NOTED.
 3. X - INTERNAL GATE WIRES THAT SHARE ELECTRICAL CONNECTIONS WITH OTHER WIRES THAT ARE ASSIGNED THE SAME NUMBER.
 4. ADD JUMPER FROM 1B TO 2C FOR 200K CIRCUIT.
 5. ADD JUMPER FROM 1A TO 6C FOR BELL CIRCUIT.
- = INSULATED JUNT

CONTACT	CLOSED	FUNCTION
2	2° - 10°	GATE DOWN
3	45° - 90°	POWER DOWN
4	0° - 85°	POWER UP
5	62° - 90°	GATE CLEAR
6	10° - 30°	BELL
7	0° - 10°	SHOIR



GATE 2

NOTE	DATE	NOTES	REV.	DATE	REVISIONS	35-89 70-814	ECT. BOX
							<p>THE OPERATION OF THE CIRCUITRY AND EQUIPMENT REPRESENTED HEREON IS BASED ON THE ASSUMPTION THAT THE CIRCUITRY AND DEVICES ARE CONNECTED TOGETHER IN ACCORDANCE WITH THE INFORMATION CONTAINED HEREIN, OR AN EQUIVALENT QUALITY EQUIPMENT, OR AN EQUIVALENT QUALITY SYSTEM, OR AN EQUIVALENT QUALITY SUBSYSTEM. FOR SUBSYSTEMS MUST BE GIVEN OPERATIONAL TESTS BEFORE BEING PLACED IN REGULAR OPERATION.</p>

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/31/2019 1:35:43 PM

in

Case No(s). 18-0267-RR-STP

Summary: Memorandum In the Matter of a Request for the Installation of Active Warning Devices at the Indiana & Ohio Railroad Crossing on Morrow Rossburg Road (DOT#151-316B) in Warren County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE INDIANA & OHIO
RAILROAD GRADE CROSSING AT
MORROW ROSSBURG ROAD/COUNTY
ROAD 27 IN WARREN COUNTY.

CASE NO. 18-267-RR-STP

ENTRY

Entered in the Journal on July 31, 2019

I. SUMMARY

{¶ 1} The Commission denies Indiana & Ohio Railroad's request for additional time to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County.

II. DISCUSSION

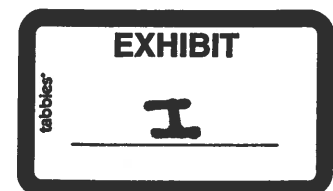
{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On March 14, 2018, the Commission issued a Finding and Order approving IORY's installation of active warning devices at the Morrow Rossburg Road/County Road



27 grade crossing (DOT#151316B) in Warren County. The Commission ordered project completion by March 14, 2019.

{¶ 7} On March 7, 2019, IORY filed a request for an additional 180 days to complete the project. IORY explained that the project has been delayed because of a transition period while IORY changed to a different general engineering consultant. IORY added that the transition was finished, and the new consultant is working on finalizing the bidding and getting construction under way.

{¶ 8} On March 15, 2019, Staff filed a memorandum, stating that while the Ohio Rail Development Commission (ORDC) supported the request, ORDC noted that this is a safety project. Staff concluded that a 180-day extension is excessive and recommended a 90-day extension, until June 14, 2019.

{¶ 9} In an April 10, 2019 Entry, the Commission granted until June 14, 2019 for IORY to complete the project.

{¶ 10} IORY filed another request for additional time on June 14, 2019. IORY stated that it has been working on the project since June 8, 2018, but had mistakenly believed that the Commission approved IORY's request to extend the project deadline by 180 days, to September 10, 2019. Consequently, adds IORY, finalizing arrangements with an engineering consultant are taking longer than expected. IORY requests until November 22, 2019, to complete the project.

{¶ 11} On June 21, 2019, Staff filed a memorandum noting that IORY was served with a copy of the May 10, 2019 Entry indicating that additional time was only extended to June 14, 2019. Staff states that IORY has made little progress toward completing the design for the project, and that while ORDC supports a project extension, ORDC notes that this is a safety project. Staff recommends approval of the extension request.

{¶ 12} Upon review of IORY's request and Staff's recommendation, the Commission finds that IORY's request for additional time should be denied. As discussed by Staff, IORY

was served with the May 10, 2019 Entry establishing a deadline of June 14, 2019. Regardless of whether the deadline was June 14, 2019, or, as originally requested by IORY, September 10, 2019, it appears little progress has been made. Accordingly, as this is a safety project and one extension was already granted, the Commission does not find that good cause exists to grant an additional extension.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That IORY's request for additional time to complete the project be denied. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman
Lawrence K. Friedeman
Daniel R. Conway

JML./hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/31/2019 3:01:29 PM

in

Case No(s). 18-0267-RR-STP

Summary: Entry that the Commission denies Indiana & Ohio Railroad's request for additional time to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren County electronically filed by Docketing Staff on behalf of Docketing

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/29/2019 11:17:34 AM

in

Case No(s). 18-0267-RR-STP

Summary: Application Application for Rehearing of the Commission's Entry of July 31, 2019 electronically filed by Mr. R. Leland Evans on behalf of Indiana & Ohio Railway Company