

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of Norfolk)
Southern Railway to Construct Active Grade) Case No. 06-1118-RR-FED
Crossing Warning Devices in Ottawa County.)

ENTRY ON REHEARING

The Commission finds:

- (1) By entry of September 20, 2006, the Commission approved a project for the installation of active warning devices at the State Route 2 grade crossing (506-379B), located in Ottawa County and ordered Norfolk Southern Railway (NS) to complete the project by September 20, 2007. The entry also directed NS to comply with five construction guidelines contained in an attachment to the entry.
- (2) Section 4903.10, Revised Code, indicates that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by filing an application within 30 days after the entry of the order upon the journal of the Commission.
- (3) On October 18, 2006, NS filed an application for rehearing of the Commission's September 20, 2006 entry. In its rehearing, NS states that it has significant concerns with the specific protection ordered as well as its configuration. NS also states that it has relayed the general substance of its concerns to the other interested parties and seeks to meet with these parties in order to resolve its concerns.
- (4) We find that NS's application for rehearing should be granted. At the time we approved the project ordered in this case, it was our understanding that all of the parties, including the Ohio Rail Development Commission, NS, and staff had a general agreement that the project would be completed in accordance with the specific construction guidelines that were part of the September 20, 2006 entry in this case. It is clear from NS's application for rehearing that there was not such an agreement. Accordingly, we believe that the parties should meet to discuss the concerns of NS. The parties are directed to report back to


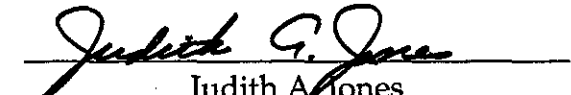
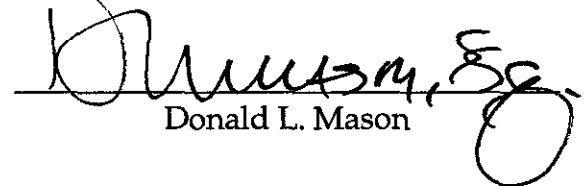
the Commission within 60 days of this entry. At that time, the Commission will revisit this matter.

It is, therefore,

ORDERED, That NS's application for rehearing be granted. It is, further,

ORDERED, That copies of this entry be served upon the NS and its counsel; Ottawa County Commission and Engineer; ORDC; and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman
Ronda Hartman Fergus
Judith A. Jones
Valerie A. Lemmie
Donald L. Mason

SEF:ct

Entered in the Journal

NOV 08 2006



Renee J. Jenkins
Secretary