

BEFORE


THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of Norfolk)
Southern Railway to Institute a Corridor) Case No. 06-1326-RR-FED
Project in the City of Springfield, Clark)
County.)

ENTRY

The Commission finds:

- (1) On November 3, 2006, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) had entered into a subsidy agreement with the city of Springfield (city) and Norfolk Southern Railway (NS) for a grade crossing corridor project (project) under which ORDC authorizes NS to upgrade 18 grade crossings and the city agrees to close five grade crossings. The five grade crossings that will be closed include Zischler Street (523-505C), North Isabella Street (523-503N), North Bell Street (523-502G), Race Street (523-495Y) and South Plum Street (523-492D). The 18 grade crossings that will have warning devices installed or modernized include: West Main Street (523-507R), Snyder Street (523-506J), North Bechtle Avenue (523-504V), West Main Street (523-501A), South Western Avenue (523-500T), South Shaffer Street (523-498U), West High Street (523-496F), South Yellow Springs Street (523-494S), Wittenberg Avenue (523-488N), South Center Street (523-486A), Fountain Avenue (523-485T), South Limestone Street (527-967G), Linden Avenue (527-969V), York Street (527-971W), East Street (527-972D), Burt Street (527-973K), Burnett Road (527-974S), and South Lowry Avenue (523-490P), located in the city of Springfield, Clark County.
- (2) Due to the number of crossings involved, NS requested an 18 month schedule to complete the project.
- (3) In its memorandum, staff recommended authorization for preliminary engineering within six months and a construction deadline of 18 months for the project.

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- (4) NS should submit to the Commission and ORDC by May 21, 2007, site plans and cost estimates for the project. Within seven days thereafter, NS should file a letter in this docket advising that the site plans and costs estimates have been submitted to the Commission and ORDC. Following submission and approval of the site plans and cost estimates by ORDC, and, unless otherwise directed, NS is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. The Commission will issue no further construction authorization. Further, the construction and modernization of the warning devices at the grade crossings should be completed by May 21, 2008.
- (5) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspection by staff. However, the railroad should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or ORDC staff makes its final inspection of the devices and if it finds that the identified installations are completed and have been put in service, staff should file a memorandum in this docket directing the docketing division to close this case of record.
- (6) With the intention of promoting increased public safety during the pendency of the project, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the crossings. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project locations. Applications for such funding should be made to the Commission's Transportation Department, Rail 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. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That NS submit to the Commission and ORDC site plans and cost estimates for the project by May 21, 2007. It is, further,

ORDERED, That, by May 28, 2007, NS file a letter in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, following approval of site plans and cost estimates by ORDC, NS proceed with construction and modernization of the project, with construction to be completed by May 21, 2008. It is, further,

ORDERED, That NS follow the detailed instructions as outlined in the ORDC letter of construction authorization. It is, further,

ORDERED, That NS notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installations at the grade crossings are completed and have been put in service, staff will file a memorandum in this case directing the docketing division to close this case of record. It is, further,

ORDERED, That copies of this entry be served upon NS and its counsel, Mayor of the city of Springfield, Clark County Commission, ORDC, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

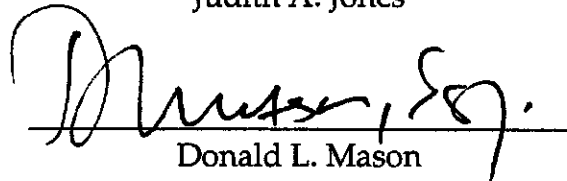


Alan R. Schriber, Chairman



Ronda Hartman Fergus

Judith A. Jones



Donald L. Mason

Valerie A. Lemmie

SEF:ct

Entered in the Journal

NOV 21 2006



Renee J. Jenkins
Secretary