

BEFORE


THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of )  
CSX Transportation, Inc. and the )  
Indiana & Ohio Railway to Install ) Case No. 05-104-RR-FED  
Active Grade Crossing Warning )  
Devices in Lucas, Wood and )  
Putnam Counties, Ohio. )

ENTRY

The Commission finds:

- (1) On January 27, 2005, the Commission's staff filed a memorandum stating that the Ohio Railroad Development Commission (ORDC) has agreed to authorize CSX Transportation, Inc. (CSX) and the Indiana & Ohio Railway (INOH) to install active grade crossing devices at four highway/railroad grade crossings under the federal grade crossing program. The CSX projects are located at: Otter Creek Road (851-548Y) in Oregon, Lucas County; Libbey Road/Township Road 308 (228-844V) in Lake Township, Wood County; and County Road F-6 (155-733Y) near Leipsic, Putnam County. The INOH project is located at County Road F-6 (258-578H) near Leipsic, Putnam County.
- (2) On February 23, 2005, the Commission approved the staff recommendation and ordered INOH and CSX to complete construction on these projects by February 23, 2006.
- (3) On September 8, 2005, CSX filed a letter regarding the crossing located at Otter Creek Road (851-548Y) in Oregon, Lucas County. In its letter, CSX states that research into its property records determined that this crossing is not owned by CSX. Therefore, CSX requests that the Commission's order dated February 23, 2005, be rescinded with respect to CSX and transferred to the crossing owner.
- (4) By entry dated January 18, 2006, the Commission issued a stay of its order of February 23, 2005, with respect to the crossing located at Otter Creek Road (851-548Y) in Oregon, Lucas County. The Commission directed its staff to continue to

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negotiate with the crossing owner to execute a master agreement for grade crossing improvement projects and a letter agreement for this project.

- (5) On December 22, 2006, staff filed a memorandum stating that ORDC has agreed to authorize the crossing owner, BP Products North America, Inc. (BP), to install active grade crossing devices at the Otter Creek Road (851-548Y) crossing in Oregon, Lucas County.
- (6) Staff has recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the BP project.
- (7) BP should submit to the Commission and ORDC by April 17, 2007, the site plans and cost estimates for the above projects. Within seven days thereafter, BP should file a letter in this docket advising that the site plans and cost estimates have been submitted to the Commission and ORDC. Following submission and approval of the site plans and cost estimates by ORDC, unless other directed, BP is hereby authorized to acquire project materials and to commence construction as detailed in the letters of construction authorization. The Commission will issue no further construction authorization. Further, construction on the BP project should be completed by January 17, 2008.
- (8) In order to expedite activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending a final inspection by staff. However, BP should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or ORDC staff makes its final inspections of the devices and if it finds that the installations have been 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.
- (9) With the intention of promoting increased public safety during the pendency of these projects, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvement 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. However, the local government agency should not initiate any improvements until a contract has been executed.

- (10) Finally, the Commission notes that, since the crossing owner has been identified as BP and since BP will install active grade crossing devices at this crossing, we will vacate our February 23, 2005, Finding and Order insofar as it requires CSX to complete the project at the Otter Creek Road (851-548Y) crossing in Oregon, Lucas County.

It is, therefore,

ORDERED, That BP Products North America, Inc., submit to the Commission and ORDC site plans and cost estimates for the projects by April 17, 2007. It is, further,

ORDERED, That BP, following approval of site plans and cost estimates by ORDC, proceed with construction of the projects, with construction to be completed by January 17, 2008. It is, further,

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

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

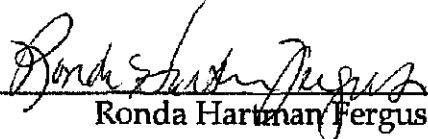
ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installations are completed and has been put in service, staff will file a memorandum in this docket directing the docketing division to close this case of record. It is, further,

ORDERED, That copies of this entry be served upon BP and all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

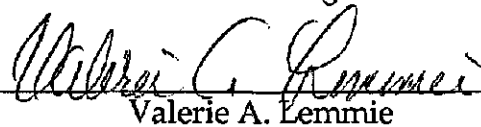


Alan R. Schriber, Chairman

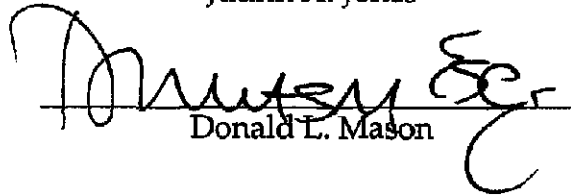


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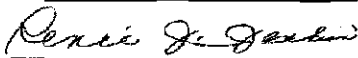


Donald L. Mason

GAP:ct

Entered in the Journal

**JAN 17 2007**



Renee J. Jenkins  
Secretary