

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for the Upgrade)
of the Warning Devices at The CSX)
Transportation Grade Crossing at Hale) Case No. 07-282-RR-STP
Street in the Village of Ridgeway and the)
Closure of the CSX Transportation Grade)
Crossing at Township Road 204 in Hale)
Township.)

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to Section 4905.04, Revised Code, the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.
- (2) Pursuant to Section 4907.471, Revised Code, the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.
- (3) 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.
- (4) Pursuant to Rule 4901-1-30, Ohio Administrative Code (O.A.C.), any two or more parties may enter into a written or oral stipulation concerning the issues presented in such proceeding.
- (5) On March 14, 2007, the Commission staff ("staff") filed a subsidy stipulation (stipulation), which it had entered into with CSX Transportation (CSX), the Village of Ridgeway, and Hale Township, pursuant to Rule 4901-1-30, O.A.C. The stipulation states that the parties desire to participate in projects to upgrade the warning devices at the Hale Street grade crossing (513-785E) in Hardin County and to permanently close to vehicular traffic the Township Road 204/Baker Road grade crossing (513-780V). Pursuant to the stipulation, the

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Commission will pay 80 percent of the total cost of the projects and CSX will pay 20 percent of the total cost of the projects. CSX also agrees to pay for the on-going maintenance of the warning devices.

- (6) Staff has recommended that the Commission approve this stipulation and that CSX file site plans and cost estimates within 90 days. Staff also has recommended that CSX complete the projects within one year.
- (7) Upon review of the stipulation, the Commission finds that the terms and conditions therein insure the timely protection of the public at the subject crossings and provide a reasonable basis for apportioning costs thereof. Therefore, the stipulation should be approved and, accordingly, the cost of the projects should be allocated as set forth therein.
- (8) CSX should submit to the staff by June 28, 2007, site plans and cost estimates. Within seven days thereafter, CSX 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, CSX is hereby authorized to acquire project materials and to commence work as detailed in the letter of construction authorization. Further, CSX should complete these projects on or before March 28, 2008. The Commission will issue no further construction authorization in this matter.
- (9) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending a final inspection by the Staff. However, the railroad should notify the staff 30 days before the projected date of completion. At the time staff makes its final inspection of the devices and finds that the installations are completed and have been put in service, staff should file a memorandum in this docket directing the Commission's Docketing Division to close this case of record.
- (10) 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 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 a 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.

It is, therefore,

ORDERED, That the subsidy stipulation is adopted and approved. It is, further,

ORDERED, That, by June 28, 2007, CSX submit to the Commission's Railroad Division site plans and cost estimates for these projects. It is, further,

ORDERED, That, by July 5, 2007, CSX file a letter in this docket advising that it has submitted plans and cost estimates to the Commission. It is, further,

ORDERED, That, following approval of the site plans and cost estimates, CSX proceed with and complete the projects on or before March 28, 2008. It is, further,

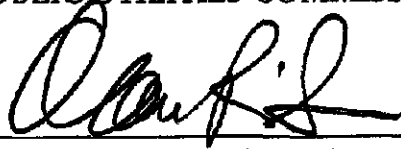
ORDERED, That CSX follow the detailed instructions as outlined in the letter of construction authorization. It is, further,

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

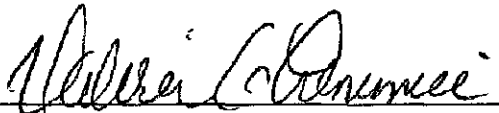
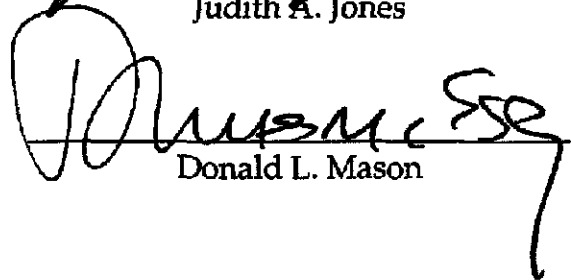
ORDERED, That, at the time the staff makes its final inspection and finds that the Hale Street grade crossing project is completed and has been put in service and the Township 204/Baker Road grade crossing is closed, staff will file a memorandum in this docket directing the Docketing Division to close this case of record. It is, further,

ORDERED, That a copy of this finding and order be served upon CSX and it's counsel, Mayor of the village of Ridgeway, Hale Township, 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

MAR 28 2007



Renee J. Jenkins
Secretary