



08-276-RR-FED

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The Public Utilities Commission of Ohio

Ted Strickland, Governor
Alan R. Schriber, Chairman

Monitoring marketplaces and enforcing rules to assure safe,
adequate, and reliable utility services.

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

January 8, 2009

To Whom It May Concern:

The attached document was approved by the Public Utilities Commission of Ohio at its meeting held on January 7, 2009. Unfortunately, the date stamp on the last page of the document that shows when it was entered into the Commission's Journal displayed the year 2008, instead of 2009. As Secretary to the Commission, I have corrected the date on the original document and initialed the correction.

A copy of the document with the 2008 date was mailed to you yesterday. Please discard that document. The attached document reflects the corrected date and should, to the extent necessary, be retained by you.

I apologize for any inconvenience this may have caused you. If you have any questions, please contact the Commission's Docketing Division at 614-466-4095.

Sincerely,

Renee J. Jenkins
Secretary

Enclosures

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician SM Date Processed JAN 08 2009

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of Norfolk)
Southern Railway and CSX Transportation to) Case No. 08-276-RR-FED
Install Active Grade Crossing Warning)
Devices in Allen and Hancock Counties.)

ENTRY

The Commission finds:

- (1) By entry of March 26, 2008, the Commission ordered, in part, Norfolk Southern Railway (NS) to install flashing lights and gates at the County Road 216 grade crossing (472-461L) in Hancock County. The entry directed NS to complete the project by March 26, 2009.
- (2) On December 8, 2008, staff filed a memo indicating that it was notified by NS that the track through the roadway at the crossing had been permanently removed. Staff noted that NS had determined that the track, which ended on one side of the roadway, served no operational need and was removed. As a result, staff recommended that the Commission issue an entry relieving NS of any responsibility of installing active warning devices at this grade crossing.
- (3) Pursuant to Section 4955.201, Revised Code, if railroad track is removed at a grade crossing by a railroad, that railroad shall fill the space previously occupied by the rails with the same material that comprises the road or highway at the crossing. In addition, this section requires that the railroad insure that the surface of the crossing where the rails previously were located shall be the same height as the surface of the road abutting the crossing, and that the restored portion of the road shall meet the construction standards applicable to the road of which the restored portion is a part.
- (4) On December 12, 2008, staff filed a memorandum regarding its investigation of the site. Staff confirmed that the rail at the crossing had been removed and that crossbucks, pavement markings, and advanced warning signs had been removed. Staff recommended that, if it does not conflict with NS operating practices or track safety standards, NS should install

either locked derails or bumper posts at the end of track on both sides of the crossing and remove the debris piles that currently block the ends of the track. Staff noted that there was also a concern that individuals over time may remove material from the debris piles for use as fill and thereby allow train cars to roll off the track. As a result, staff also recommended that, if it does not conflict with its operating practices, NS should indicate in its timetable that this location is end of track and include the railroad milepost.

- (5) On December 17, 2008, the Hancock County engineer, the local highway authority for the crossing, filed a letter confirming that the rail on the track was removed through the pavement and that the rail was also removed approximately 30 feet beyond the pavement edges. The county also noted that the excavated pavement area was replaced with asphalt, is in good condition providing a smooth transition to both approaches, and there is no evidence that additional work needs to be performed.
- (6) As NS has removed the track at the County Road 216 grade crossing and the roadway surface has been restored to the satisfaction of the local highway authority and staff, the Commission finds that NS should no longer be subject to the March 26, 2008, Commission order directing it to complete the installation of active warning devices at this grade crossing.
- (7) Nevertheless, to address the additional matters raised in Staff's December 12, 2008, memo, NS should take the following actions by March 9, 2009, unless such actions conflict with NS operating practices or track safety standards: install either locked derails or bumper posts at the end of track on both sides of the crossing; remove the debris piles that currently block the ends of the track; and indicate in its timetable that this location is end of track and include the railroad milepost. In addition, no later than seven days after compliance with this entry, NS should file a notice in this docket regarding its compliance with these directives or indicate the circumstances why it cannot comply. The notice should also provide any information regarding NS's role in the removal of the advanced warning signs and crossbucks from this crossing, including the timeframe when such devices were removed, and where such devices are now located.

It is, therefore,

ORDERED, That NS is no longer subject to the March 26, 2008, entry in this case regarding the installation of warning devices at the County Road 216 grade crossing (472-461L) in Hancock County. It is, further,

ORDERED, That, by March 9, 2009, and unless it conflicts with NS operating practices or track safety standards, NS install either locked derails or bumper posts at the end of track on both sides of the crossing; remove the debris piles that currently block the ends of the track; and indicate in its timetable that this location is end of track and include the railroad milepost. It is, further,

ORDERED, That, by March 16, 2009, NS file a notice in this docket that it has completed its compliance with these directives or indicate the circumstances why it cannot comply. It is, further,

ORDERED, That copies of this entry be served upon the NS and CSX and their counsel, Hancock County Engineer, Monroe Township Trustees, ORDC, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



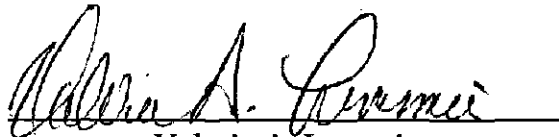
Alan R. Schriber, Chairman



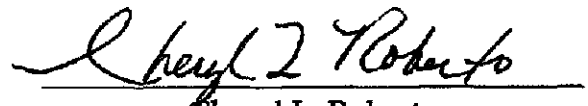
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

SEF:ct

Entered in the Journal

JAN 07 2008 



Renee J. Jenkins
Secretary