

PUCO

Memo

To: Docketing Division

From: George Martin, Grade Crossing Planner, Rail Division

Re: PUCO Case No. 08-171-RR-FED Request of the Indiana & Ohio Railway for an extension of time to complete a project in Champaign County

Date: March 4, 2009

By its Entry of March 5, 2008, the Commission ordered the Indiana & Ohio Railway (IORY) to install an active grade crossing warning device at Campaign County, near Rosewood, State Route 29, DOT# 258-706N. The warning device was to be placed in service on or before March 5, 2009.

On February 10, 2009 staff filed in the docket a communication from Susan Kirkland, Ohio Rail Development Commission (ORDC) noting that a revised plan was requested on November 11, 2008 and that it had not been received. The communication further noted that, if asked, ORDC would not support the request for an extension.

On February 5 and February 20, 2009, staff held telephone conferences with parties for the purpose of the determining the status of, and reasons for delays of this and other IORY projects. IORY is using a billing/bidding/engineering procedure different from those normally approved by ORDC. This procedure will be evaluated by auditors from the Ohio Department of Transportation (ODOT) at the completion of current IORY projects, and at that time a determination will be made as to whether IORY, through its parent company, RailAmerica, may continue with this procedure.

On February 20, 2009 IORY filed in the docket a request for an extension of time of 110 days from the time that ORDC approves the revised engineering and estimate, which was received on February 20. IORY states that the reason for the request is communication discrepancies between "Agencies" to coordinate plan review and approval.

Staff notes that the reorganization of IORY by its parent company RailAmerica has caused a communication problem with IORY, in that there is no clearly identified contact person at IORY with whom to discuss project issues. Staff recommends that the request for extension be granted for 60 days. IORY should be directed to resolve communication immediately and to provide a contact to Commission staff for grade crossing projects.

C: Legal Department

Please serve the following parties of record.

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