

THE PUBLIC UTILITIES COMMISSION OF OHIO

ENTRY

- (1) On January 13, 2010, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had secured a Federal Railroad Administration grant in the amount of \$497,050 for warning device circuitry upgrades on the Norfolk Southern Railway's (NS) CD Line at two grade crossings: Archbold Road/County Road D (509-519B) in Fulton County and Rye Beach Road/County Road 122 (524-059N) in Erie County.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) Upon review, NS shall submit to the Commission and ORDC by May 11, 2010, site plans and cost estimates for the projects. Within seven days thereafter, NS shall file a notice 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, and, unless otherwise directed, NS is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. NS shall notify staff at least five working days before the date work is scheduled to begin at these projects so that arrangements can be made for inspections. In addition, NS shall timely notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates and secure approval before the work is performed.
- (4) Within 120 days of the issuance of this entry, NS shall file in the docket notice that it has initiated discussions with the applicable public utility to ensure that electric service will be

available to enable the grade crossing improvements to be constructed and placed in service within the deadline specified by the Commission. Such filing shall identify the steps NS has taken with the applicable public utility, government entity, and local highway authority to have electric service available during the construction and cut-in phases of the projects. NS shall serve a copy of the notice upon the public utility. To ensure that the deadline is met, NS shall timely inform the Commission, in writing, of any issues regarding the availability of electric service.

- (5) The Commission will issue no further construction authorization. Further, the warning device circuitry upgrades at the grade crossings should be completed by February 10, 2011.
- (6) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspections by staff. However, NS 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 identified installations are completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service.
- (7) With the intention of promoting increased public safety during the pendency of the project, the Commission urges the appropriate local government agency 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 for these projects. 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 at the project location. 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 projects by May 11, 2010. It is, further,

ORDERED, That, by May 18, 2010, NS file a notice in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, by June 10, 2010, NS file a notice that it has initiated with the applicable public utility the process to ensure that electric service will be available at the involved grade crossings as set forth in finding 4. It is, further,

ORDERED, That NS follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the projects by February 10, 2011. It is, further,

ORDERED, That NS notify staff at least five working days before the date work is scheduled to begin at the sites of the projects so that arrangements can be made for inspections. It is, further,

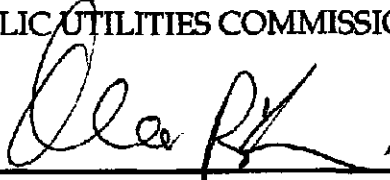
ORDERED, That NS timely notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimate, and shall secure approval before the work is performed. It is, further,

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 inspections and if it finds that the installations at the grade crossings are completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service. It is, further,

ORDERED, That copies of this entry be served upon NS, ORDC, Fulton County Engineer, Huron City Manager, FirstEnergy Corporation, and any other interested person of record.

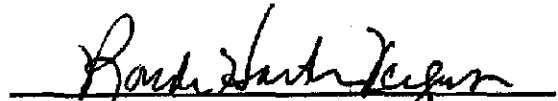
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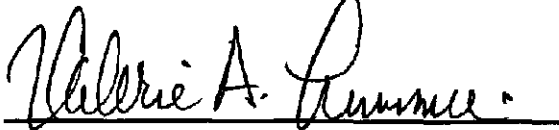
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

SEF/vrm

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FEB 11 2010



Renee J. Jenkins
Secretary