

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of Norfolk)
Southern Railway to Upgrade the Active)
Grade Crossing Warning Devices at) Case No. 10-203-RR-FED
Twinsburg Road (DOT# 503-033D), City of)
Macedonia, Summit County.)

ENTRY

The Commission finds:

- (1) On February 18, 2010, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) has authorized funding for Norfolk Southern Railway (NS) to install new flashing lights, roadway gates, and upgrade the existing circuitry at the Twinsburg Road grade crossing (DOT# 503-033D), city of Macedonia, Summit County.
- (2) In the memorandum, staff stated that the funding for the project is being provided through the American Recovery and Reinvestment Act of 2009 (ARRA). Staff noted that the project shall not exceed \$168,323 for construction and related costs. Further, the city of Macedonia will pay for the preliminary engineering costs, and any cost above the \$168,323 of ARRA funding shall be borne by the city.
- (3) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the project.
- (4) NS shall submit to the Commission and ORDC by June 1, 2010, site plans and cost estimates for the projects. Within seven days thereafter, NS shall file a letter in this docket advising that the site plans and costs 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 the project site

so that arrangements can be made for inspection. In addition, NS shall 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. The Commission will issue no further construction authorization. Further, the construction of active warning devices at the grade crossing should be completed by March 3, 2011.

- (5) 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 project. 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.
- (6) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspection 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 inspection of the devices and if it finds that the identified installation is completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installation is 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 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, 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. 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 project by June 1, 2010. It is, further,

ORDERED, That, by June 8, 2010, NS file a letter in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, by July 1, 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 5. It is, further,

ORDERED, That, following approval of site plans and cost estimates by ORDC, NS proceed with and complete the project by March 3, 2011. It is, further,

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

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

ORDERED, NS 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. 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 inspection and if it finds that the installation at the grade crossing is completed and the warning devices have been

put in service, staff will file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service. It is, further,

ORDERED, That copies of this entry be served upon NS and its counsel, the mayor of the city of Macedonia, Ohio Edison Company, ORDC, and all interested persons of record.

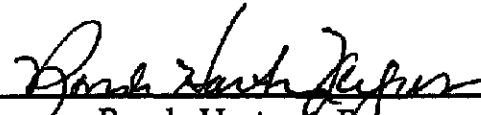
THE PUBLIC UTILITIES COMMISSION OF OHIO



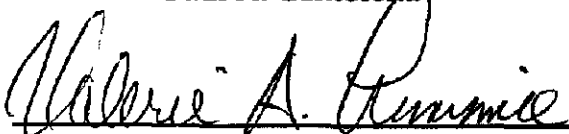
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



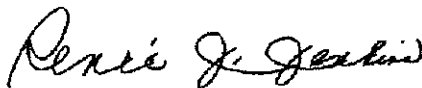
Valerie A. Lemmie



Cheryl L. Roberto

KKS/vrm

Entered in the Journal

MAR 03 2010Renee J. Jenkins
Secretary