

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Columbus & Ohio River Railroad to) Case No. 10-831-RR-RCP
Complete a Grade Crossing Warning Device)
Project in Licking County, City of Newark.)

ENTRY

The Commission finds:

- (1) On June 15, 2010, the Commission staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC), on behalf of the city of Newark (city), and the Ohio Department of Transportation District 5 (ODOT) had approved a plan and estimate submitted by the Columbus & Ohio River Railroad (CUOH) for the installation of new flashing lights and roadway gates with traffic preemption at the Waterworks Road grade crossing (152-005D). Staff noted that the project is being completed in conjunction with a highway and grade crossing realignment project in the city.
- (2) Staff recommended that CUOH be instructed to coordinate all construction with ODOT and the city to insure all work is completed concurrently. Staff also recommended that the project be completed in nine months.
- (3) Upon review, CUOH is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. CUOH shall notify staff, ODOT, and the city at least five working days before the date work is scheduled to begin at the project so that arrangements can be made for an inspection. In addition, CUOH shall timely notify staff, ODOT, and the city 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, CUOH shall file in the docket notice that it has initiated discussions with the American Electric Power (AEP) 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 CUOH has taken with AEP, government entity, and local highway authority to have electric service available during the construction and cut-in phases of the project. CUOH shall serve a copy of the notice upon the public utility. To ensure that the deadline is met, CUOH 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, this grade crossing improvement project should be completed by March 30, 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, CUOH should notify staff, ORDC, and the city 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 for the project. 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, by October 28, 2010, CUOH file a notice that it has initiated with AEP 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 CUOH follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the project by March 30, 2011. It is, further,

ORDERED, That CUOH notify staff, ODOT, and the city 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, That CUOH timely notify staff, ODOT, and the city 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 CUOH notify staff, ODOT, and the city 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 CUOH, ORDC, ODOT District 5, Newark Engineering Department, AEP, and any other interested person of record.

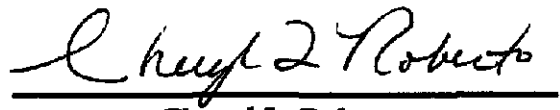
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella


Valerie A. Lemmie

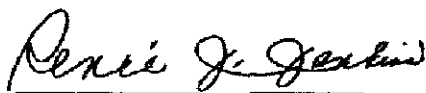

Steven D. Lesser


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SEF/sc

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JUN 30 2010



Renee J. Jenkins
Secretary