

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Cleveland Commercial Railroad to Begin a) Case No. 10-821-RR-FED
Consolidation Project in the City of Bedford,)
Cuyahoga County.)

ENTRY

The Commission finds:

- (1) On June 14, 2010, the Commission staff filed a memorandum stating that it had entered into an agreement with the Ohio Rail Development Commission (ORDC), Cleveland Commercial Railroad (CCR), the city of Bedford, and the Wheeling & Lake Erie Railway (WE) to close to vehicular and pedestrian traffic the grade crossings located at Monroe Street (475-968S) and the South Park Street (475-969Y) and to upgrade, with new mast-mounted flashing lights and roadway gates, the grade crossings located at Powers Street (524-342Y), Willis Street (475-971A), and North Park Street (475-970T). As part of the agreement, the crossing closures will not occur before the upgrades are completed; however, at the city's discretion, the closures can occur prior to the upgrades. In addition, the Powers Street grade crossing will be interconnected with the traffic signals.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) Upon review, CCR shall submit to the Commission and ORDC by September 28, 2010, site plans and cost estimates for the projects. Within seven days thereafter, CCR 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, CCR is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. CCR shall notify staff at least five working days before the date work is scheduled to begin at the projects so that arrangements can be made for inspections.

In addition, CCR 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, CCR shall file in the docket notice that it has initiated discussions with the Cleveland Electric Illuminating Company (CEI) 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 CCR has taken with CEI, government entity, and local highway authority to have electric service available during the construction and cut-in phases of the projects. CCR shall serve a copy of the notice upon the public utility. To ensure that the deadline is met, CCR 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 grade crossing improvements should be completed by June 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, CCR 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 projects, 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 the 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 locations. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That CCR submit to the Commission and ORDC site plans and cost estimates for the projects by September 28, 2010. It is, further,

ORDERED, That, by October 5, 2010, CCR 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 October 28, 2010, CCR file a notice that it has initiated with CEI 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 CCR follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the projects by June 30, 2011. It is, further,

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

ORDERED, That CCR 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 CCR 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,

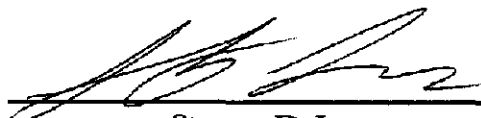
ORDERED, That copies of this entry be served upon CCR, W&LE, ORDC, Bedford City Manager, CEI, and any other interested person of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella


Valerie A. Lemmie

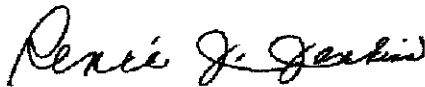

Steven D. Lesser


Cheryl L. Roberto

SEF/sc

Entered in the Journal

JUN 30 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary