

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Wheeling & Lake Erie Railway, Norfolk)
Southern Railway, CSX Transportation, and)
Indiana & Ohio Railway to Install Active) Case No. 10-876-RR-FED
Grade Crossing Warning Devices in)
Wayne, Ross, Logan, Fayette, Auglaize, and)
Champaign Counties.)

ENTRY

The Commission finds:

- (1) On June 22, 2010, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) has authorized funding for Wheeling & Lake Erie Railway, Norfolk Southern Railway, CSX Transportation, and Indiana & Ohio Railway to install flashing lights and roadway gates at the following grade crossing locations:

Wheeling & Lake Erie Railway (WE)

Wayne County, near Smithville, Pleasant Home Road/County Road (CR) 48, DOT# 473-528U

Norfolk Southern Railway (NS)

Ross County, city of Chillicothe, E. Second Street, DOT# 481-384M

CSX Transportation (CSX)

Logan County, near Horton, CR 20, 513-789G

Indiana & Ohio Railway (IOR)

Fayette County, city of Washington Court House, Oakland Avenue, DOT# 151-917K

Auglaize County, near Uniopolis, Buckland-Holden Road/CR 190, DOT# 258-626V

Champaign County, near Urbana, Dallas Road/CR 184, DOT# 527-960J

- (2) In the memorandum, staff stated that these crossings were surveyed due their high hazard, and were found to warrant upgrades to flashing lights and roadway gates. Staff stated that these projects will be at actual cost and are federally funded.
- (3) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects. Further, staff stated that, upon approval of the plans and estimates by ORDC, construction may commence.
- (4) WE, NS, CSX, and IOR shall submit to the Commission and ORDC by October 12, 2010, site plans and cost estimates for the projects. Within seven days thereafter, WE, NS, CSX, and IOR shall file letters 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, WE, NS, CSX, and IOR are hereby authorized to acquire materials for the projects and to commence construction as detailed in the letters of construction authorization. WE, NS, CSX, and IOR shall 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. In addition, WE, NS, CSX, and IOR 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 crossings should be completed by July 14, 2011.
- (5) Within 120 days of the issuance of this entry, WE, NS, CSX, and IOR shall file in the docket notices that they have initiated discussions with the applicable public utilities 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 filings shall identify the steps WE, NS, CSX, and IOR have taken with the applicable public utilities, government entities, and local highway authorities to have electric service available during

the construction and cut-in phases of the projects. WE, NS, CSX, and IOR shall serve copies of the notices upon the public utilities. To ensure that the deadline is met, WE, NS, CSX, and IOR 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, WE, NS, CSX, and IOR should notify staff and ORDC 30 days before the date of completion of the projects. 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 agencies 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 at the locations of 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 each crossing. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That WE, NS, CSX, and IOR submit to the Commission and ORDC site plans and cost estimates for the projects by October 12, 2010. It is, further,

ORDERED, That, by October 19, 2010, WE, NS, CSX, and IOR file letters in this docket advising that they have submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, by November 11, 2010, WE, NS, CSX, and IOR file notices that they have initiated with the applicable public utilities 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, WE, NS, CSX, and IOR proceed with and complete the projects by July 14, 2011. It is, further,

ORDERED, That WE, NS, CSX, and IOR follow the detailed instructions as outlined in the ORDC letters of construction authorization. It is, further,

ORDERED, That WE, NS, CSX, and IOR 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, WE, NS, CSX, and IOR 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 WE, NS, CSX, and IOR 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 WE, NS, CSX, and IOR and their counsel, the county engineers of Wayne, Logan, Auglaize, and Champaign Counties, the cities of Chillicothe and Washington Court House, ORDC, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Valerie A. Lemmie


Steven D. Lesser


Cheryl L. Roberto

KKS/vrm

Entered in the Journal

JUL 14 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary