

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of CSX)
Transportation to Install Flashing Lights and) Case No. 10-2764-RR-FED
Roadway Gates in Wood and Defiance)
Counties.)

ENTRY

The Commission finds:

- (1) On November 22, 2010, the Commission staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had authorized funding for CSX Transportation (CSX) to install mast-mounted flashing lights and roadway gates at the grade crossings located at Maplewood Road/Township Road 22 (155-775K) in Milton Township, Wood County; and at Snyder Road/Township Road 190 (142-343Y) in Richland Township, Defiance County.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a completion within one year.
- (3) Upon review, CSX shall submit to the Commission and ORDC by March 8, 2011, site plans and cost estimates for the projects. Within seven days thereafter, CSX 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, CSX is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. CSX 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, CSX 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, CSX shall file in the docket notice that it has initiated discussions with The Toledo Edison Company (TE) and Tri-County Rural Electric Co-op (Tri-County) 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 CSX has taken with TE and Tri-County, the government entity, and the local highway authority to have electric service available during the construction and cut-in phases of the projects. CSX shall serve a copy of the notice upon TE and Tri-County. To ensure that the deadline is met, CSX 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 improvement projects should be completed by December 8, 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, CSX 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 CSX submit to the Commission and ORDC site plans and cost estimates for the projects by March 8, 2011. It is, further,

ORDERED, That, by March 15, 2011, CSX 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 April 7, 2011, CSX file a notice that it has initiated with TE and Tri-County 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 CSX follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the projects by December 8, 2011. It is, further,

ORDERED, That CSX 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,

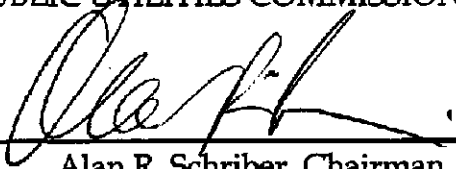
ORDERED, That CSX timely notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and shall secure approval before the work is performed. It is, further,

ORDERED, That CSX 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,

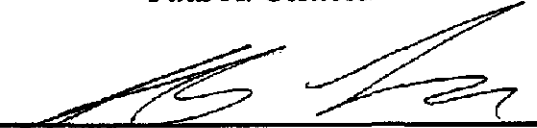
ORDERED, That copies of this entry be served upon CSX, ORDC, Milton Township Trustees, Richland Township Trustees, Tri-County, TE, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman


Paul A. Centolella



Steven D. Lesser



Valerie A. Lemmie



Cheryl L. Roberto

SEF/sc

Entered in the Journal

DEC 08 2010



Renee J. Jenkins
Secretary