

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Norfolk)
Southern Railway Company to Downgrade)
the Existing Warning Devices at the State) Case No. 12-2198-RR-RCP
Street Grade Crossing (473-711A), Fremont,)
Sandusky County.)

ENTRY

The Commission finds:

- (1) On July 30, 2012, as amended on August 28, 2012, Norfolk Southern Railway Company (NS) filed a request to temporarily downgrade the existing warning devices at the State Street grade crossing (473-711A), in the city of Fremont, Sandusky County. According to NS, a motor vehicle struck and irreparably damaged the foundation/cantilever assembly in the northeast quadrant of the grade crossing. NS notes that the Ohio Rail Development Commission (ORDC) recently conducted a diagnostic review at the grade crossing in order to develop a comprehensive grade crossing improvement project with signal preemption. Upon completion, the project will be submitted to the Commission for approval. NS requests that the Commission authorize it to defer the replacement of the cantilever for 18 months and to maintain, in its place, a mast-mounted flasher with gate, and high flashers mounted on a standoff bracket. NS also states that ORDC and the city of Fremont approve of the downgrade request.
- (2) On August 29, 2012, Commission Staff (Staff) filed a memorandum in support of NS's downgrade request. Staff notes that NS and ORDC are working to develop a new warning device installation at the grade crossing that will be interconnected with the highway traffic signals. Staff further explains that, in the interim, the crossing will be equipped with mast-mounted flashing lights and roadway gates, with additional flashing light pairs taking the place of the cantilever.
- (3) On September 25, 2012, the city of Fremont Engineer filed a letter indicating that the city of Fremont accepted NS's downgrade request. It based its acceptance on the fact that the warning device has been damaged and is thereby structurally unsound; that the damaged structural elements will be removed from the

vertical mast, and that the light will be located on the vertical mast under these temporary conditions.

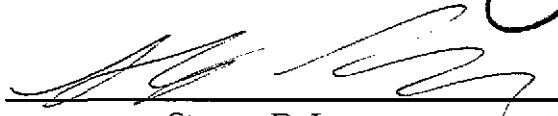
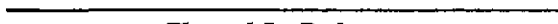
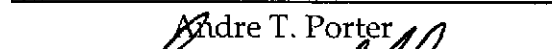
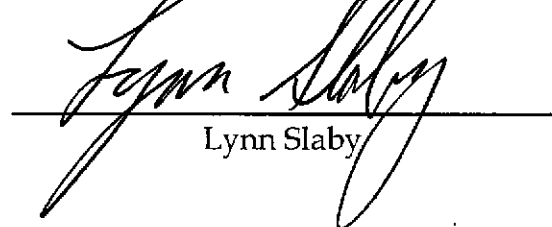
- (4) Upon review, the Commission finds that NS's request for a temporary downgrade, until April 3, 2014, of the existing warning devices at the State Street grade crossing (473-711A), in Fremont, Sandusky County is reasonable and should be granted. During the temporary downgrade, NS should work with Staff, ORDC, and the city of Fremont in order to develop a comprehensive improvement project for this grade crossing, as well as follow all standard railroad grade crossing safety protocol so as to ensure the protection of the traveling public at this crossing.

It is, therefore,

ORDERED, That NS's request to temporarily downgrade until April 3, 2014, the State Street grade crossing (473-711A), in the city of Fremont, Sandusky County, be granted in accordance with this entry. It is, further,

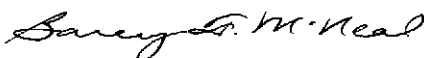
ORDERED, That a copy of this entry be served on NS, ORDC, the city of Fremont Engineer, and all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman
Steven D. Lesser
Cheryl L. Roberto
Andre T. Porter

Lynn Slaby

SEF/sc

Entered in the Journal **OCT 03 2012**


Barcy F. McNeal
Secretary