

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of CSX)
Transportation to Install Active Grade) Case No. 14-308-RR-FED
Crossing Warning Devices in Seneca and)
Wood Counties.)

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.
- (2) R.C. 4907.471 provides that the Commission shall survey all at grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.
- (3) R.C. 4907.476 provides that where the Ohio Department of Transportation enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department.
- (4) On February 26, 2014, Staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) has authorized funding for CSX Transportation (CSX) to install mast-mounted flashing lights and roadway gates at the following locations:

Seneca County, Loudon Township, near Fostoria, Green Road/Township Road 108, DOT# 228-779S

Wood County, Middleton Township, near Perrysburg, Reitz Road/Township Road 101, DOT# 155-810W

Staff notes that the crossings were surveyed in September 2012 and August 2013, respectively, and were found to warrant the upgrades. Staff recommends that because the plans and estimates for the projects have been submitted and approved, the Commission establish a completion deadline of nine months for CSX to complete the projects. The

projects will be paid for with federal funds and are actual cost.

- (5) Upon review, CSX is hereby authorized to acquire materials for each project 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 any inspection. 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 in order to estimate and secure approval before the work is performed.
- (6) Within 30 days of the issuance of this Finding and Order, CSX shall file a notice that it has initiated discussions with North Central Electric Cooperative (North Central) and Toledo Edison Company (Toledo Edison) or any other applicable utility, 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 North Central, Toledo Edison, or any other electric utility, 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 North Central, Toledo Edison, or any other applicable utility. To ensure that the deadline is met, North Central, Toledo Edison, or any other applicable utility shall timely inform the Commission in writing of any issues regarding the availability of electric service.
- (7) The Commission will issue no further construction authorization. Further, the grade crossing improvement projects should be completed by December 26, 2014.
- (8) It is expected that all work necessary for Federal Highway Administration acceptance of the warning devices will be completed by the in-service due date and that the railroad will be responsible for this work. This work includes, but is not limited to, any ancillary work to make the warning devices function as designed and visible to the roadway user, and Manual of Uniform Traffic Control Devices compliance, including minor roadway work if necessary.

- (9) 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, CSX should notify Staff and ORDC 30 days before the projected date of completion. At the time Staff or ORDC makes its final inspection of the devices and finds that the identified installation is complete and the warning devices have been put in service, Staff should file a memorandum in this docket indicating that the installation is complete and that the warning devices have been put in service.
- (10) 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, by April 25, 2014, CSX shall file a notice that it has initiated with North Central, Toledo Edison, or any applicable utility, the process to ensure that electric service will be available at the involved grade crossings as set forth in finding (6). 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 26, 2014. It is, further,

ORDERED, That CSX 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 any inspection. 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 inspection and finds that the installation at the grade crossings is complete and the warning devices have been put in service, Staff will file a memorandum in this docket indicating that the installation is complete and the warning devices have been put in service. It is, further,

ORDERED, That copies of this Finding and Order be served upon CSX, ORDC, Loudon Township Trustees, Middleton Township Trustees, North Central Electric Cooperative, Toledo Edison Company, and any other interested person of record.

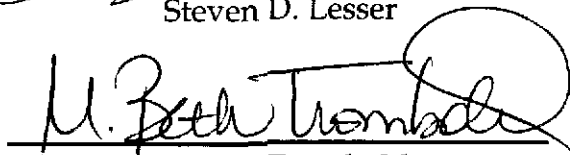
THE PUBLIC UTILITIES COMMISSION OF OHIO



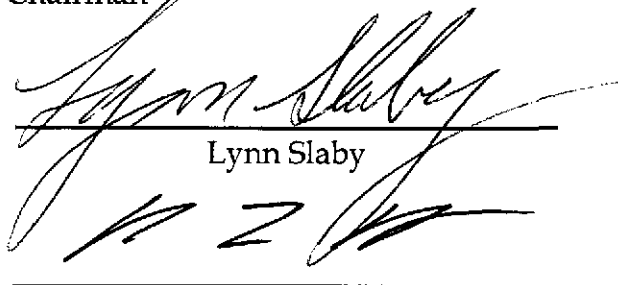
Todd A. Snitchler, Chairman



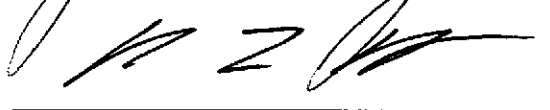
Steven D. Lesser



M. Beth Trombold



Lynn Slaby

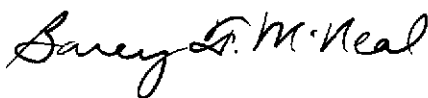


Asim Z. Haque

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Entered in the Journal

MAR 26 2014



Barcy F. McNeal
Secretary