

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request of CSX     )  
Transportation, Inc. for a Consolidation     )  
Project in the Village of Columbus     )     Case No. 14-425-RR-STP  
Grove, Putnam County, Ohio.     )

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to R.C. 4905.04, the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.
- (2) Pursuant to R.C. 4907.471, the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.
- (3) R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.
- (4) Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.
- (5) On March 14, 2014, Staff filed a subsidy stipulation (stipulation), which it has entered into with the Ohio Rail Development Commission (ORDC), CSX Transportation, Inc. (CSX), and the Village of Columbus Grove (Columbus Grove), under which active grade crossing warning devices will be installed at Pearl Street (DOT#155-707J) and Broadway Street (DOT#155-709X), with the crossing at Maple Street (DOT#155-708R) to be permanently closed.

The following is a summary of the costs of the projects and is not intended to supercede the stipulation:

- (a) The Commission will pay 90 percent of the light and gate installation projects for Pearl Street and Broadway Street.
  - (b) ORDC will pay 10 percent of the light and gate installation projects for Pearl Street and Broadway Street, and up to \$4,000 for the removal of roadway surface and guardrail installation at Maple Street.
  - (c) Columbus Grove will pay any cost exceeding \$4,000 for the removal of roadway surface and guardrail installation at Maple Street.
  - (d) CSX will pay the cost to remove crossing surface and warning devices at Maple Street, as well as \$60,000 toward the cost of realignment of Maple Street.
- (6) Staff recommends that the Commission approve the stipulation and that CSX file site plans and cost estimates within 90 days of the Commission's approval. Staff also recommends that CSX complete the projects within one year after the Commission's approval of the stipulation.
- (7) Upon review of the stipulation, the Commission finds that the terms and conditions therein insure the timely protection of the public at the crossings and provides a reasonable basis for apportioning costs thereof. Therefore, the stipulation should be approved and, accordingly, the cost of the projects should be allocated as set forth therein.
- (8) By July 9, 2014, CSX should submit to Staff the site plans and cost estimates for the projects. Within seven days thereafter, CSX should file a letter in this docket advising that the site plans and cost estimates have been submitted to the Commission. Following submission and approval of the site plans and cost estimates, unless otherwise directed, CSX is hereby authorized to acquire project materials and to commence work as detailed in the letter of construction authorization. CSX should 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. In addition, CSX should 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. CSX should complete the projects on or before April 9, 2015. The Commission will issue no further construction authorization in this matter.

- (9) Within 120 days of the issuance of this finding and order, CSX shall file a notice in the docket that it has initiated discussions with Ohio Power Company (Ohio Power) and any other applicable utility with regard to the grade crossing projects 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 that CSX has taken with Ohio Power and any other applicable electric utility, the government entity, and the local highway authority to have electric service available during the construction and cut-in phases of the project. CSX shall serve a copy of the docketed notice upon Ohio Power and any other applicable utility. To ensure that the deadline is met, Ohio Power shall timely inform the Commission in writing of any issues regarding the availability of electric service.
- (10) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending the final inspection by Staff. However, the railroad should notify Staff 30 days before the projected date of completion. At the time Staff makes its final inspection of the devices and finds that the installations have been completed, the warning devices have been put in service, and the Maple Street crossing has been closed, Staff should file a memorandum in this docket indicating that the installations have been completed, the warning devices have been put in service, and the Maple Street crossing has been closed.
- (11) With the intention of promoting increased public safety during the pendency of these 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 project crossings. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project locations. Applications for such funding should be made to the Commission's Transportation Department, Railroad 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 crossings. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That the stipulation be adopted and approved. It is, further,

ORDERED, That, by July 9, 2014, CSX submit to the Commission's Railroad Division site plans and cost estimates for the projects, and by July 16, 2014, file a letter in this docket advising that site plans and cost estimates have been submitted to the Commission. It is, further,

ORDERED, That, following approval of the site plans and cost estimates, CSX proceed with and complete the projects on or before April 9, 2015. It is, further,

ORDERED, That CSX notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, notify the 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, and notify the Commission 30 days before the projected date of completion. It is, further,

ORDERED, That, by August 8, 2014, CSX file a notice that it has initiated with Ohio Power, and any other applicable utility, the process to ensure that electric service will be available at the involved grade crossings as set forth in finding (9). It is, further,

ORDERED, That CSX follow the detailed instructions as outlined in the letter of construction authorization. It is, further,

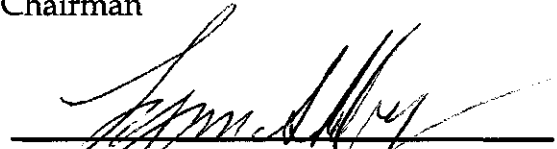
ORDERED, That, at the time Staff makes its final inspection and finds that the installations have been completed, the warning devices have been put in service, and the Maple Street crossing has been closed, Staff file a memorandum in this docket indicating that the installations have been completed, the warning devices have been put in service, and the Maple Street crossing has been closed. It is, further,

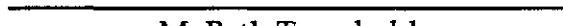
ORDERED, That a copy of this Finding and Order be served upon ORDC, CSX, the Village of Columbus Grove, Ohio Power, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
Lynn Slaby

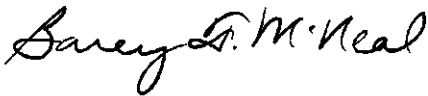
  
M. Beth Trombold

  
Asim Z. Haque

JML/sc

Entered in the Journal

**APR 09 2014** **APR 09 2014**

  
Barcy F. McNeal

Barcy F. McNeal  
Secretary