

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for LED)
Upgrades on the Ohio South Central) Case No. 14-1036-RR-STP
Railroad in Vinton and Jackson Counties.)

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 June 5, 2014, Staff filed a subsidy stipulation (stipulation), which it has entered into with the Indiana Eastern Railroad dba Ohio South Central Railroad (OSCR). The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.
 - (a) The stipulation states that the parties have entered into an agreement to upgrade from eight inch incandescent lights to 12 inch LED lights at two crossings in Jackson County on State Route 93, DOT#151-468X and DOT#151-479K, and one crossing in Vinton County, on State Route 160, DOT#151-144V.

- (b) The costs for the project shall be apportioned between the Commission and the railroad, whereby the Commission is responsible for \$5,000 of the cost per crossing, and the railroad is responsible for any cost exceeding \$5,000 per crossing.
 - (c) The Commission has agreed to provide funds from the State Grade crossing Protection Fund pursuant to R.C. 4907.472 to cover the portion of the upgrade costs to be borne by the Commission.
 - (d) The project shall be completed within 12 months from the date of the Commission order adopting this stipulation.
- (6) Staff explains that on March 16, 2012, it opened *In re PUCO Flasher LED Upgrade Program*, Case No. 12-1002-RR-RCP. Staff adds that one of the 28 companies involved in the LED Upgrade Program was U.S. Rail, which failed to complete three of its six LED upgrades. OSCR became the system operator in January 2014 and contacted Staff regarding funding to complete the LED upgrades. Subsequently, OCSR entered into the stipulation with Staff.
- (7) Staff recommends that the Commission approve the stipulation and that the Commission direct OSCR to complete the project within one year after the Commission's approval of the stipulation. In addition, Staff requests that the three crossings be removed from Case No. 12-1002-RR-RCP.
- (8) 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 and the railroad should complete the project on or before July 23, 2015. The Commission will issue no further construction authorization in this matter.

- (9) In order to expedite the activation of the LED upgrades, the Commission no longer requires railroad companies to delay such activation pending the final inspection by Staff. However, OSCRC should notify Staff 30 days before the projected date of completion of the projects. At the time Staff makes its final inspection of the devices and finds that the project is completed, Staff should file a memorandum in this docket indicating that the installations are complete and the LED lights have been put in service.
- (10) During the project work, OSCRC is directed to follow all standard railroad crossing safety protocol so as to ensure the protection of the traveling public at the aforementioned crossings. In addition, Staff should continue to monitor work at the project to ensure that it is completed within a timely manner.

It is, therefore,

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

ORDERED, That OSCRC proceed with and complete the projects on or before July 23, 2015. It is, further,

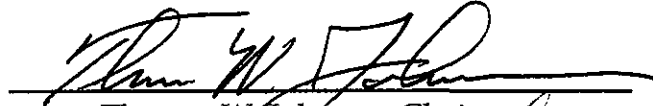
ORDERED, That OSCRC notify Staff as indicated in finding (9). It is, further,

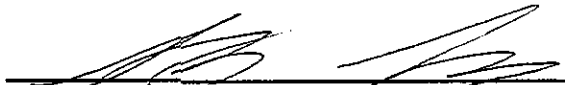
ORDERED, That, at the time Staff makes its final inspection and finds that the LED lights have been put in service, Staff files a memorandum in this docket indicating that the installations are complete and the LED lights have been put in service. It is, further,


ORDERED, That the crossings located in Jackson County on State Route 93, DOT#151-468X and DOT#151-479K, and in Vinton County on State Route 160, DOT#151-144V, be removed from Case No. 12-1002-RR-RCP. It is, further

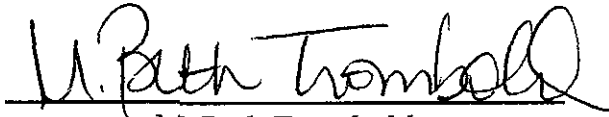
ORDERED, That a copy of this Finding and Order be served upon OSCR and all interested persons of record.

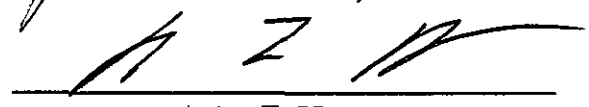
THE PUBLIC UTILITIES COMMISSION OF OHIO


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JML/sc

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JUL 23 2014



Barcy F. McNeal
Secretary