

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of CSX Transportation to)
Install Active Grade Crossing Warning) Case No. 14-1900-RR-FED
Devices in Lorain/Cuyahoga County)
and Butler County.)

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 October 29, 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:

Lorain County/Cuyahoga County/city of Strongsville, Marks Road/County Road 180, DOT#141-919W, approved cost \$165,175.00. This crossing is on the county line, and highway maintenance is split between Lorain County and the city of Strongsville.

Butler County, city of Hamilton, Rockford Drive, DOT#154-060K, approved cost \$199,643.00.

Staff notes that these crossings were surveyed during May 2014 because of their hazard ranking and were found to warrant the upgrades. Staff adds that the projects will be paid for with federal funds and are actual cost. Staff

requests that the Commission issue an order directing completion within nine months.

- (5) Upon review, 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 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 notice that it has initiated discussions with Ohio Edison Company (Ohio Edison), The Dayton Power & Light Company (DPL), 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 Ohio Edison, DPL, 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 Ohio Edison, DPL, or any other applicable utility. To ensure that the deadline is met, Ohio Edison, DPL, 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 August 20, 2015.
- (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 railroads 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 installations are complete and the warning devices have been put in service, Staff should file a memorandum in this docket indicating that the installations are 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 any proposal. 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 December 20, 2014, CSX file notice that it has initiated with Ohio Edison, DPL, 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 August 20, 2015. 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,

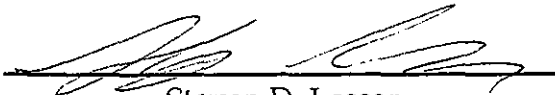
ORDERED, That CSX notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

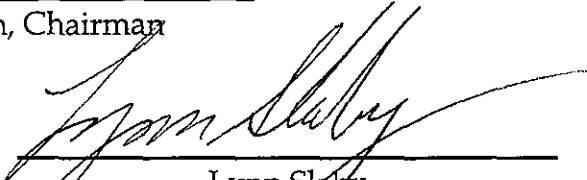
ORDERED, That, at the time Staff or ORDC makes its final inspection and finds that the installations at the grade crossings are complete and the warning devices have been put in service, Staff will file a memorandum in this docket indicating that the installations are complete and the warning devices have been put in service. It is, further,

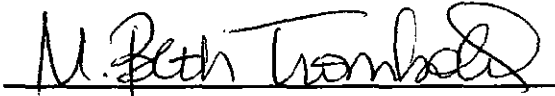
ORDERED, That copies of this Finding and Order be served upon ORDC, CSX, city of Strongsville Engineering Department, Lorain County Engineer, city of Hamilton Engineering Department, DPL, Ohio Edison, and any other interested person of record.

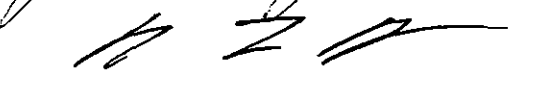
THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


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JML/sc

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Barcy F. McNeal
Secretary