

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for Upgrades     )  
at the Pilkington North America     )  
Crossing on Superior Street/State Route     ) Case No. 15-424-RR-STP  
65 (DOT#851-575V), in Wood County,     )  
Rossford, 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 February 25, 2015, Staff filed a subsidy stipulation (stipulation), which it has entered into with the railroad, Pilkington North America (PNA). The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the stipulation. Under the stipulation:
  - (a) PNA will upgrade the crossing at Superior Street/State Route 65 (DOT#851-575V), located in Wood County, Rossford, Ohio;

- (b) The Commission will fund the project up to \$80,524, and PNA will pay for costs exceeding \$80,524, plus maintenance;
- (c) PNA will complete the project within 12 months from the date of the Commission Finding and Order adopting this stipulation;
- (d) The parties agree to comply with the terms of the stipulation and the Finding and Order adopting the stipulation;
- (e) The Commission will provide funds from the State Grade Crossing Protection Fund to cover the Commission's cost of the project.

Staff recommends that the Commission approve the stipulation and order PNA to file site plans and cost estimates within 90 days of the Commission's approval and complete the project in one year.

- (6) Upon review of the stipulation, the Commission finds that the terms and conditions therein insure the timely protection of the public at the crossing and provides a reasonable basis for apportioning costs thereof. Therefore, the stipulation should be approved and, accordingly, the cost of the project should be allocated as set forth therein.
- (7) By June 24, 2015, PNA should submit to Staff the site plans and cost estimates for the project. Within seven days thereafter, PNA 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, PNA is hereby authorized to acquire project materials and to commence work as detailed in the letter of construction authorization. PNA should notify Staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for inspections. In addition, PNA 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. PNA should

complete the project on or before March 25, 2016. The Commission will issue no further construction authorization in this matter.

- (8) Within 120 days of the issuance of this finding and order, PNA shall file a notice in the docket that it has initiated discussions with The Toledo Edison Company (Toledo Edison) and any other applicable utility with regard to the grade crossing project 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 PNA has taken with Toledo Edison 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. PNA shall serve a copy of the docketed notice upon Toledo Edison and any other applicable utility. To ensure that the deadline is met, Toledo Edison shall timely inform the Commission in writing of any issues regarding the availability of electric service.
- (9) 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 installation has been completed and the warning devices have been put in service, Staff should file a memorandum in this docket indicating that the installation has been completed and the warning devices have been put in service.
- (10) With the intention of promoting increased public safety during the pendency of this project, 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 crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project location. 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 crossing. 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 June 24, 2015, PNA submit to the Commission's Railroad Division site plans and cost estimates for the project, and by July 1, 2015, 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, PNA proceed with and complete the project on or before March 25, 2016. It is, further,

ORDERED, That PNA 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 site so that arrangements can be made for inspections, and notify the Commission 30 days before the projected date of completion. It is, further,

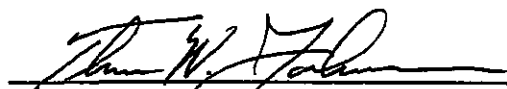
ORDERED, That, by July 27, 2015, PNA file a notice that it has initiated with Toledo Edison, and any other applicable utility, the process to ensure that electric service will be available at the involved grade crossing as set forth in finding (9). It is, further,

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

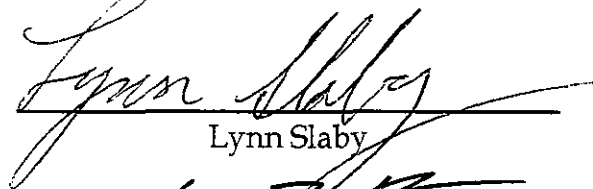
ORDERED, That, at the time Staff makes its final inspection and finds that the installation has been completed and the warning devices have been put in service, Staff file a memorandum in this docket indicating that the installation has been completed and the warning devices have been put in service.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

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


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman

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Steven D. Lesser

  
Lynn Slaby

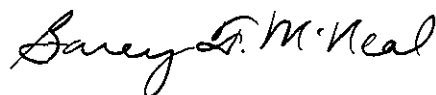
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M. Beth Trombold

  
Asim Z. Haque

JML/sc

Entered in the Journal

**MAR 25 2015**

  
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Barcy F. McNeal  
Secretary