

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Public Utilities )  
Commission of Ohio Flasher LED Upgrade ) Case No. 15-1073-RR-RCP  
Program. )

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. 4907.472, 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 12, 2015, Staff filed a subsidy stipulation (stipulation), which it had entered into with Norfolk Southern Railway (NS). NS is a railroad, as defined in R.C. 4907.02, and subject to the jurisdiction of the Commission under R.C. 4905.04. The stipulation is a joint collaboration by NS and the Commission to promote the health and safety of the traveling public as they travel through public highway railroad grade crossings. The project involves the replacement of 8 inch warning lights to 12 inch LED warning lights at 100 flasher-only crossings. Staff explains that this state funded enhancement project will provide increased visibility with brighter and larger flashing lights for motorists as well as reduce the maintenance requirements for NS.

- (6) 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) The Commission will pay \$5,000 for each crossing for a total of \$500,000.
  - (b) NS will pay any costs exceeding \$5,000 for each crossing, plus 100 percent of the maintenance of the project.
  - (c) Staff will work with NS to determine the 100 crossings and docket the list by October 31, 2015.
  - (d) All LED upgrades shall be completed within 18 months from the date of the Commission order adopting this Stipulation.
- (7) Staff recommended that the Commission approve the stipulation and that the Commission direct NS to complete the project within 18 months after the Commission's approval of the stipulation.
- (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 provide a reasonable basis for apportioning costs. Therefore, the stipulation should be approved, the costs of the project should be allocated as set forth therein, and NS should complete the project on or before December 17, 2016. The Commission will provide funds from the State Grade Crossing Protection Fund to cover the Commission's cost of the project.
- (9) NS should notify Staff 30 days before the projected date of completion. NS should also provide quarterly updates to Staff on the progress of the project and provide ongoing communication with Staff as to the status of the project. At the time Staff makes its final inspections of the devices and finds that the project is completed, Staff should file a memorandum in this docket indicating that the installations are completed and the LED lights have been put in service.

It is, therefore,

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

ORDERED, That Staff file a list of the crossings that will be the subject of LED upgrades by October 31, 2015. It is, further,

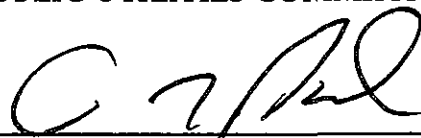
ORDERED, That NS proceed with and complete the project on or before December 17, 2016. It is, further,

ORDERED, That NS provide quarterly updates to Staff on the progress of the project and provide ongoing communication with Staff as to the status of the project. It is, further,

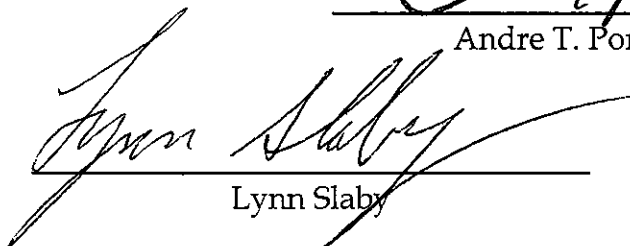
ORDERED, That, at the time the Staff makes its final inspections and finds that the LED devices have been put in service, Staff file a memorandum in this docket indicating that the installations are completed and the LED devices have been put in service. It is, further,

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

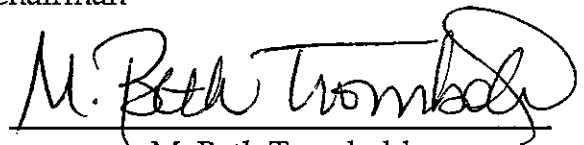
THE PUBLIC UTILITIES COMMISSION OF OHIO



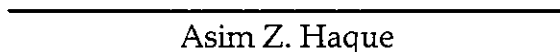
Andre T. Porter, Chairman



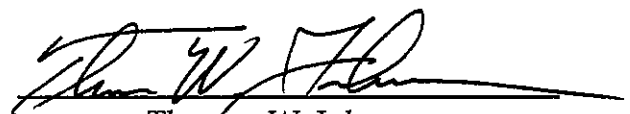
Lynn Slaby



M. Beth Trombold



Asim Z. Haque

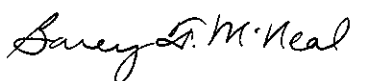


Thomas W. Johnson

SEF/vrm/dah

Entered in the Journal

**JUN 17 2015**



Barcy F. McNeal  
Secretary