

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION  
OF INDIANA & OHIO RAILWAY TO  
INSTALL ACTIVE WARNING DEVICES AT  
A GRADE CROSSING IN THE VILLAGE OF  
INDIAN HILL, HAMILTON COUNTY.

CASE NO. 23-288-RR-FED

## FINDING AND ORDER

Entered in the Journal on February 21, 2024

### I. SUMMARY

{¶ 1} The Commission directs Indiana & Ohio Railway to install flashing lights and gates at the Camargo Road grade crossing in the village of Indian Hill, Hamilton County, by April 21, 2024, subject to the Commission's ongoing jurisdiction and oversight.

### II. DISCUSSION

{¶ 2} 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.

{¶ 3} R.C. 4907.471 provides that the Commission shall survey all grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.

{¶ 4} R.C. 4907.476 provides that where the Ohio Department of Transportation (ODOT) enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department. Federal funding for such projects is provided through the Ohio Rail Development Commission (ORDC), which is an independent agency of the state within ODOT, established in accordance with R.C. 4981.02.

{¶ 5} Indiana & Ohio Railway (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On April 19, 2023, the Commission issued a Finding and Order directing IORY to install flashing lights and gates at the Camargo Road grade crossing (DOT# 151-348G) in the village of Indian Hill, Hamilton County. The Commission ordered completion of the project by January 19, 2024.

{¶ 7} On December 8, 2023, IORY filed a request for a six-month extension, citing material supply issues. IORY did not provide a time frame for equipment availability.

{¶ 8} Staff filed a memorandum on December 14, 2023, in response to IORY's request. Staff stated that because IORY had requested a lengthy time extension and its suppliers had not stated an expected delivery date for necessary equipment, the project should be placed in abeyance, with IORY required to file monthly updates in the docket regarding equipment availability. Upon IORY's notification that the equipment has been delivered, Staff added, a new completion date would then be determined. Staff noted that ORDC supported the extension request.

{¶ 9} On January 10, 2024, the Commission placed the project in abeyance and required IORY to file monthly status updates, while also requiring Staff to notify the Commission when a new completion date is determined.

{¶ 10} On January 26, 2024, IORY filed an update stating that the project is scheduled to resume on February 9, 2024.

{¶ 11} On January 26, 2024, Staff filed a memo recommending that the project be completed no later than 60 days after the date of the Commission Order.

{¶ 12} The Commission finds Staff's recommendation to be reasonable. Accordingly, the Camargo Road grade crossing (DOT# 151-348G) project shall be completed no later than April 21, 2024.

{¶ 13} As was indicated in our previous Order, with the intention of promoting increased public safety during the pendency of the 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 crossing. The Commission may provide assistance in funding improvements, such as rumble strips, illumination, signs or other safety enhancements for the project. 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 Protection Fund for such improvements at the project location. However, the local government agency should not initiate any improvements until a contract has been executed.

### III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That IORY install flashing lights and gates at the Camargo Road grade crossing (DOT# 151-348G) as described herein. It is, further,

{¶ 16} ORDERED, That IORY follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the project by April 21, 2024. It is, further,

{¶ 17} ORDERED, That IORY notify Staff and ORDC at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for any inspection. It is, further,

{¶ 18} ORDERED, That the IORY timely notify Staff and ORDC of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and shall secure Staff approval before the work is performed. It is, further,

{¶ 19} ORDERED, That, at the time Staff or ORDC makes its final inspection and finds that the installations at the grade crossing 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,

{¶ 20} ORDERED, That a copy of this Finding and Order be served upon ORDC, IORY, Alfred Benesch & Company, Manager for the village of Indian Hill, Duke Energy Ohio, Inc. and any other interested person of record.

**COMMISSIONERS:**

*Approving:*

Jenifer French, Chair  
Daniel R. Conway  
Lawrence K. Friedeman  
Dennis P. Deters

JML/dr

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**Case No(s). 23-0288-RR-FED**

Summary: Finding & Order directing Indiana & Ohio Railway to install flashing lights and gates at the Camargo Road grade crossing in the village of Indian Hill, Hamilton County, by April 21, 2024, subject to the Commission's ongoing jurisdiction and oversight electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.