

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Central )  
Railroad Company of Indiana to Downgrade ) Case No. 97-624-RR-UNC  
The Baymiller Avenue Grade Crossing in )  
Cincinnati, Ohio. )

ENTRY

The Commission finds:

- (1) This case was initiated by Central Railroad Company of Indiana (Central) requesting that the status of the crossing at Baymiller Avenue (AAR 524-833X) be downgraded from active to passive and that it not be required to replace the crossing safety devices. Central stated that, in the past, it maintained a cantilever, multiple flashers, and a bell activated by motion detector for the main and standard track circuitry for the crossing. As a result of flooding, Central indicated that all of the crossing safety equipment was rendered inoperable. Central claimed that the crossing was upgraded from crossbucks to an electronic grade crossing warning system due to the running of passenger trains, but that passenger trains no longer operate over this crossing.
- (2) Staff investigators filed reports on the downgrade request recommending the request be denied and that the safety devices be restored to working condition.
- (3) The city of Cincinnati (city) initially filed a letter in this docket opposing Central's request. The city indicated that the Baymiller Avenue crossing is located near the city's riverfront and stadium that is currently planned for extensive development.
- (4) Since this area was under construction and redevelopment and there were no train operations, Central's request was held in abeyance to allow the city, staff, and Central an opportunity to resolve this matter. Further, the Central track around Baymiller is presently treated as industrial track; rail cars are loaded at the bulk terminal while the crossing is blocked off with barricades.

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- (5) On June 20, 2003, staff filed a memorandum in this case indicating that, on May 1, 2003, the city and Central filed letters in this docket stating that they had reached an agreement. Under the terms of their agreement, Central will install the crossing activation at such time as the passenger service commences. Until such time, the crossing status will be changed from active to passive. Upon review, staff recommends that Central's request to downgrade the Baymiller crossing from active to passive status be granted.
- (6) Based on the parties' agreement concerning the status of this crossing and staff's recommendation, Central's request to downgrade the Baymiller crossing from active to passive should be granted. In the event Central's rail operations change, Central must notify the Commission 90 days in advance of those changes. Finally, whenever train movements are made at the crossing, Central should flag the crossing.

It is, therefore,

ORDERED, That Central's request to downgrade the safety devices at the crossing be granted. It is, further,

ORDERED, That, 90 days in advance of any change in Central's rail operations from their current status, Central notify the Chief of the Commission Rail Division. It is, further,

ORDERED, That, whenever train movements are made at the crossing, Central should flag the crossing. It is, further,

ORDERED, That a copy of this entry be served on the mayor, city council, traffic engineer, and police and fire departments of the city of Cincinnati, Ohio; Central Railroad Company Office of Signal Engineering; and all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



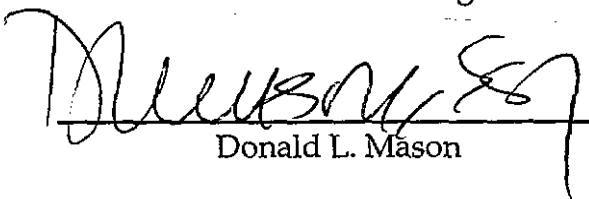
Alan R. Schriber, Chairman



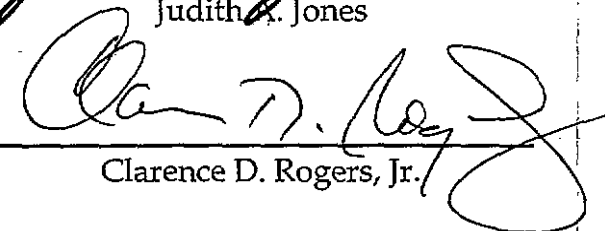
Ronda Hartman Fergus



Judith A. Jones



Donald L. Mason




Clarence D. Rogers, Jr.

SEF;geb

Entered in the Journal

JUL 1 2003



Renee J. Jenkins

Secretary

**CASE NUMBER:** 97-0624-RR-UNC  
**CASE DESCRIPTION:** CENTRAL RAILROAD OF IND/BAYMILLER  
**DOCUMENT SIGNED ON:** 7/1/2003  
**DATE OF SERVICE:** 7-1-03

**PARTIES SERVED**

**PARTIES OF RECORD**

**ATTORNEYS**

**APPLICANTS**

M.C. BURKHART, V.P.-MIDWEST REGION  
CENTRAL RAILROAD COMPANY OF INDIANA  
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CINCINNATI, OH 45246

NONE,

**INTERESTED PARTYS**

STEVEN G. BAILEY  
CITY OF CINCINNATI  
705 CENTRAL AVENUE SUITE 250  
CINCINNATI, OH 45202

NONE,