

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption and Implementation)
Of the Joint Railroad Corridor Safety Agreement) Case No. 97-1540-RR-UNC
For the CSX Transportation, Inc. B&O Rail Corridor)

In the Matter of the Adoption and Implementation)
Of the Joint Railroad Safety Agreement for the) Case No. 98-638-RR-UNC
Consolidated Rail Corporation Greenwich-Berea)
Rail Corridor.)

ENTRY

The Commission finds:

- (1) On May 10, 1999, in Case No. 97-1540-RR-UNC, the Commission adopted a stipulation entered into between Commission staff and CSX Transportation, Inc. (CSX). In addition, on July 15, 1999 in Case No. 98-638-RR-UNC, the Commission adopted another stipulation entered into between Commission staff and Consolidated Rail Corporation (Conrail). Both stipulations sought to resolve potential litigation relative to the installation of railroad crossing warning devices. Pursuant to these stipulations the railroads created a special fund for enhancing public and rail employee safety on lines owned, operated or maintained by these railroads or their successors. The Commission was given sole discretion in the selection of projects. Conrail agreed to make a one-time payment of \$83,000 and CSX agreed to provide \$600,000 payable in \$200,000 increments over a three-year period. Subsequently, the railroads deposited the agreed amounts into special escrow accounts held by their counsel, Bricker & Eckler, located in Columbus, Ohio, for these purposes.
- (2) Initially, the Commission staff contacted county engineers in the counties involved in rail corridor agreements and solicited ideas for appropriate projects that would represent the best uses for these special funds. Suggestions for appropriate expenditure of these funds were received from a number of counties, including proposals for county emergency communications systems, highway profile improvements, additional warning device installations, grade separations and other miscellaneous projects.
- (3) By Entry issued in these dockets on December 7, 2000, the Commission approved the first payment of funds from the escrow account established in these cases. The Commission approved the payment of \$283,000 to Huron County to assist in paying the costs of a grade separation project at Old State Road in Ripley Township.

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- (4) For the purpose of using the 2001 CSX safety fund allocation, Commission staff recommends that \$100,000 each be allocated to Defiance County and Wood County to address safety concerns at a number of high-profile, or humped crossing locations. Specifically, these counties have requested financial assistance to improve the following grade crossing locations:

Wood County		
<u>Highway</u>	<u>Local Highway Authority</u>	<u>Crossing Number</u>
Hanley Road	Lake Township	903786N
Libbey Road	Lake Township	228844V
Wagner Road	Lake Township	509370P
Genoa Road	Lake Township	518641S

Defiance County		
<u>Highway</u>	<u>Local Highway Authority</u>	<u>Crossing number</u>
Snyder Road	Richland Township	142343Y
Wonderly Road	Defiance County	142392V
Rosedale Road	Defiance County	142396L

- (5) In order to more effectively and efficiently use this safety fund, the local highway authorities and/or the Wood County and Defiance County engineers are encouraged to contribute some labor and/or engineering to these projects. The Defiance County engineer has agreed to provide, at no additional cost to these improvement projects, the requisite surveying, design engineering, and right-of-way acquisition. Because of the importance of these projects and as a result of the participation of the local highway authorities, staff further recommends that the Commission allocate an additional \$50,000 from its grade crossing improvement fund for each county to be used to address high-profile concerns at other crossings in the county.
- (6) Upon review of the staff recommendations in this matter, the Commission approves, as set forth above, the expenditure of the special CSX safety fund and the Commission's grade crossing improvement fund. The Commission also directs staff to continue to work with communities along these railroad corridors to address local rail safety concerns.

It is, therefore,

ORDERED, That funds be distributed from the CSX, and Conrail escrow funds filed in these dockets and the Commission's grade crossing improvement fund for the grade crossing improvement projects and amounts identified in this Entry. It is, further,

ORDERED, That the Director of Transportation is hereby authorized to secure and direct the disbursement of funds from the escrow account established in these

cases and the Commission's grade crossing improvement fund Wood County and Defiance County in the amount of \$300,000 as Commission support for these projects. It is, further,

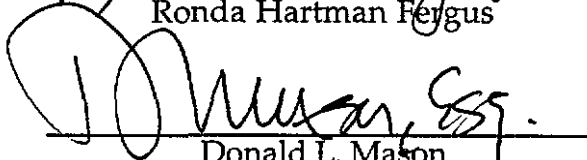
ORDERED, That a copy of this Entry be served upon all parties of record.

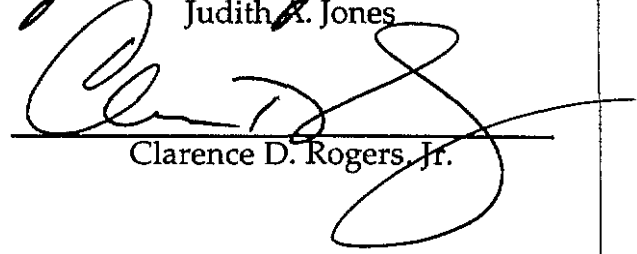
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones

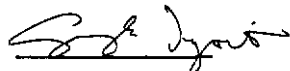

Donald L. Mason


Clarence D. Rogers, Jr.

DV:dj

Entered in the Journal

DEC 20 2001



Gary E. Vigorito
Secretary